



City of Harrisonburg, Virginia

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To: Kurt Hodgen, City Manager
From: Planning Commission and
Adam Fletcher, Director of Planning and Community Development
Date: August 9, 2016 City Council Meeting
Re: Rezoning – 480 East Market Street (R-3/R-2 to B-2C) and Special Use Permit – 480 East Market Street (Section 10-3-91(8) to Allow for Reducing Required Parking)

Summary:

1. Public hearing to consider request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings to rezone a parcel containing 26,258 +/- square feet from R-2, Residential District and R-3, Medium Density Residential District to B-2C, General Business District Conditional. The property is located at 480 East Market Street and is identified as tax map parcel 27-A-6.
2. Public hearing to consider request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings for a special use permit per section 10-3-91(8) to allow for reducing required parking areas. The 26,258 +/- square feet property is located at 480 East Market Street and is identified as tax map parcel 27-A-6.

Background:

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 in the same manner as described for Planned Business areas.

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

- Site:** Single-family dwelling, part which is zoned R-3 adjacent to East Market Street and part which is zoned R-2 adjacent to East Elizabeth Street.
- North:** Across East Elizabeth Street, single-family dwellings, zoned R-2
- East:** Across Sterling Street, personal service establishment (The Beauty Spa) and a mixture of single-family dwellings and professional offices, zoned R-2 and R-3
- South:** Across East Market Street, medical and professional offices, apartments, and Woodbine Cemetery, zoned R-3
- West:** A mixture of residential dwellings and professional offices, zoned R-3

Key Issues:

The applicant is requesting to rezone a parcel containing 26,258 +/- square feet from R-2, Residential District and R-3, Medium Density Residential District to B-2C, General Business District Conditional. Simultaneously, the applicant is also requesting a special use permit per section 10-3-91(8) to allow for reducing required parking areas. Both applications are discussed and reviewed herein. Presently, a residential dwelling occupies this property. As explained in the applicant's submitted letter, if approved, the applicant desires to operate Mossy Creek Fly Fishing, a fly fishing retailer, guide service, and fly fishing educational services use from the building.

The Comprehensive Plan's Land Use Guide 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 in the same manner as described for Planned Business areas. The proposed rezoning, B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities.

The subject parcel is also within one of the Comprehensive Plan's designated Corridor Enhancement Areas; therefore, items such as: land use; vehicle, pedestrian, and bicycle circulation; access management; development, redevelopment, and reuse opportunities; conservation of special features; and signage should be considered. Staff has discussed with the applicant the need to be mindful of these matters.

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

The property shall be redeveloped by improving and maintaining the existing structure, which may include additions to the building, and where the following B-2 uses will be retained:

(By Reference to Numbered Paragraphs of the Existing B-2 Ordinance with Some Modifications)

- (1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments and other shops.
- (2) Governmental, business and professional offices and financial institutions.
- (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.
- (15) Accessory buildings and uses customarily incidental to any of the above listed uses.
- (18) Public uses.

In addition, the applicant would retain the right to seek a special use permit for any uses allowed by such in B-2.

With regard to the site the applicant proffers:

The City With the Planned Future

A landscaping buffer with intent to form a dense screen shall be established along the western and northern perimeter of the property as indicated on the site plan, prepared by Engineering Solutions, dated July 6th 2016, and submitted with this application. Existing vegetation may be maintained or new materials planted. When new materials are planted, they shall be 6 feet in height at the time of planting and planted at a minimum of 5 feet on center.

Dedicate right-of-way as needed along East Market Street for the city's future traffic signal improvements at the intersection of East Market Street and Sterling Street / Reservoir Street as indicated on the site plan, prepared by Engineering Solutions, dated July 6th 2016, and submitted with this application.

The southern access to the property along Sterling Street shall be marked as exit only.

All freestanding signs shall be no taller than 10ft in height, and no freestanding sign shall exceed 50 square feet. There will be no LED, scrolling message board sign.

For all intents and purposes, the site plan provided is conceptual. However, the layout demonstrates where the buffering will be located per the submitted proffers and demonstrates that the site can sustain the minimum required parking spaces.

Often, a rezoning that changes a property's zoning from a residential district to a business district would increase the intensity of the permissible uses. However, if the rezoning request with the submitted proffers is approved, the allowable uses under the B-2 district would be quite limited and less intensive than the current R-3 district allows and fits better with the character of Professional land uses.

From the beginning, the applicant has expressed interest in keeping the existing building and has stated in the Description of Proposed Use letter that they will be making improvements inside the building, and that "[t]here are no plans to alter the exterior of the building other than to provide an upgraded entrance." Initially, staff was concerned that future owners could demolish the building and construct a larger building that could result in higher intensity usage. After discussing this with the applicant, the applicant provided the opening statement in their proffer letter "[t]he property shall be redeveloped by improving and maintaining the existing structure, which may include additions to the building." This allows for improvements and additions to the existing building, and prohibits demolition of the existing structure and prohibits additional buildings on the property. If plans were made to demolish the building, the property owner must amend the proffers.

The applicant proffered a significant limit to the types of uses that would be allowed on the proposed B-2C zoned property. Because this property is adjacent to and serves as an entryway to a residential neighborhood, staff was concerned with the potential for increased traffic on Sterling Street and potential noise and/or lights coming from this property. Of particular note, staff was concerned about restaurant uses. Restaurants are a higher intensity commercial use. Depending on the type of restaurant, a restaurant may have very early hours (e.g. coffee shop), outdoor seating, and/or late night use. Additionally, a restaurant in this building would require 33 parking spaces, compared to the required 17 parking spaces for retail use. The applicants have not included restaurants as an allowable use in their proffer. The proffers satisfy staff's concerns regarding allowable uses on the property.

With regard to the proffer associated with a landscaping buffer, a dense screen will be provided along the western and northern perimeter of the property to provide separation between the allowable commercial uses and neighboring residential district.

The site plan shows that the applicant desires to make one access “enter only” and the second access “exit only” so that boat trailers can pull into the parking lot in an organized fashion. In the rezoning application, the applicant’s letter describes “[the retailer] is very low traffic compared to most retailers. The service portion of the business leads to little added traffic as well because most trips meet on the water, and not at the retail store.” Staff agrees that high volumes of traffic are not anticipated. Staff and the applicant agreed that the access into the site should be furthest away from East Market Street so that vehicles coming off of East Market Street onto Sterling Street and making left turns into the site do not cause a vehicular back up into the intersection. The applicant has proffered that the southernmost entrance will be marked “exit only.” If the applicant desires, the northernmost entrance may be “enter only” or full access for both entering and exiting the site.

With regard to the proffer associated with signage, typically, B-2 zoned properties, if they have enough sign area allotted to the site, can have freestanding signs as large as 240 square feet in area and up to 35-feet in height. Specifically for the site, the property would have about 90 square feet of sign area available for use because the property’s street frontage along East Market Street is about 90 feet in length. The applicant has proffered that freestanding signs shall not exceed 50 square feet and shall be no taller than 10-feet in height. Understand that remaining signage square footage allowed on this property may be applied to the building walls as long as it meets other requirements of the Sign Ordinance. Of particular note, since the site is surrounded by residentially zoned properties, as is the case today under the existing R-3 zoning, any use that operates on site would be limited as to the locations of particular advertising. Similar to the setback regulations, this restriction does not specify the restriction being only applicable when the adjacent property is “used” residentially, but rather when the adjacent property is a “residential district.” Staff has explained to the applicant that, as is currently regulated within the Sign Ordinance, wall signs (which are signs mounted on the exterior of the building) shall not be placed on side or rear walls of the building that abut and that are within 100 feet of a residential district. Therefore, advertising wall signs would only be permitted that display toward East Market Street.

The applicant is aware that, if approved, future additions to the existing building would be limited by setback regulations. This is because the B-2 zoning district’s building setback requirements are 30 feet along the front property line, which is typical of most districts, and then 10 feet on both sides and along the rear; however, when a shared line abuts a residential district, the minimum setback then increases to 30 feet. Furthermore, if any structure is to be greater than 35 feet in height, then one additional foot of setback is required for each foot above 35 feet adjacent to shared lines of residentially zoned property. The requested special use permit per Section 10-3-91(8) is to allow for reducing the minimum required parking spaces so long as the amount of space that would have been used for parking remains as open space and is so noted in the deed to the property. In addition to projected low traffic volumes as one reason for the special use permit request, the applicant describes in their Description of Proposed Use letter: “One unique demand of our retail operation is that there is ample room outdoors in the grass to ‘test cast’ fly rods.” Without this special use permit, the applicant would not have green space for this purpose.

The applicant is requesting approval for only 9 parking spaces to be provided. Per Section, 10-3-25 Off-Street Parking Regulations, without the special use permit, this retail use of 3,223 square feet floor area requires 1 space per 200 square feet, equal to a total of 17 parking spaces required. The applicant has confirmed in the submitted site plan that the minimum required parking spaces of 17 total spaces can be met.

The applicant is also aware that they must meet parking lot landscaping requirements per Section 10-3-30.1 and has noted this on the submitted site plan.

Although not proffered, when a comprehensive site plan is submitted to the City Engineer for review, all typical street frontage improvements are required. As depicted in the submitted layout, the applicant understands that a sidewalk would be required along Sterling Street and E. Elizabeth Street. Whether the sidewalk will include the standard 2-ft grass strip or not will be determined with staff at the time of comprehensive site plan development. Buffer strips between the back of curb and sidewalk provide a number of benefits including, but not limited to, providing a place to install traffic signs and utilities, increasing pedestrian comfort by providing additional separation from traffic, providing for a wheelchair recovery zone, providing a place to push and pile snow, and reducing problems with dips and cross slopes at driveway aprons. Staff recognizes that retrofitting sidewalks around already developed sites can be challenging. After careful review, administrative waivers to remove the grass buffer strip may be granted due to site constraints.

Staff believes the requested rezoning is acceptable given the significant limitations proffered by the applicant. Staff further supports the requested special use permit per Section 10-3-91 (8) to allow for reducing the minimum required parking spaces with the following condition.

- If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or revocation of the permit.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

Rather than approving the rezoning, the application could be denied and therefore prohibiting retail uses like Mossy Creek Fly Fishing from operating at this location. If the rezoning is approved, and the special use permit denied, then Mossy Creek Fly Fishing and other retail uses must provide the minimum number of parking spaces.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for City Council's public hearing for the rezoning and special use permit request. The advertisements were published as shown below:

“Rezoning – 480 East Market Street (R-2/R-3 to B-2C)

Public hearing to consider request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings to rezone a parcel containing 26,258 +/- square feet from R-2, Residential District and R-3, Medium Density Residential District to B-2C, General Business District Conditional. The property is located at 480 East Market Street and is identified as tax map parcel 27-A-6. 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 in

the same manner as described for Planned Business areas. The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and duplex residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and duplex, 5,500 sq. ft/unit. 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 residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; duplex, 4,000 sq. ft/unit; townhouses, 2,000 sq. ft. minimum per unit; other uses, 6,000 sq. ft. minimum and by special use permit multi-family, 3,000 sq. ft. minimum per unit. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

Special Use Permit – 480 East Market Street (Section 10-3-91(8) to Allow for Reducing Required Parking)

Public hearing to consider request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings for a special use permit per section 10-3-91(8) to allow for the reduction in required parking spaces within the B-2, General Business District. Areas that would have been used for parking must remain as open space and shall not be used to meet any conflicting requirements of the Zoning Ordinance. The 26,258 +/- square feet property is located at 480 East Market Street and is identified as tax map parcel 27-A-6.”

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 a favorable recommendation to City Council for the requested rezoning from R-2 and R-3 to B-2C and special use permit per Section 10-3-91 (8).

Attachments:

1. Site maps (2)
2. Extract
3. Application, applicant letter, boundary survey, and proffers for rezoning (5)
4. Application and applicant letter for special use permit (2)
5. Proposed site development layout (1)

Review:

Planning Commission recommended approval (6-0) to rezone the property from R-2/R-3 to B-2C. The Commission also recommended approval (6-0) of the special use permit per Section 10-3-91 (8) to allow for the reduction in required parking with the following condition:

- If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or revocation of the permit.