



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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December 1, 2015

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Edwin Joya to rezone a parcel containing 7,461 +/- square feet from R-2, Residential District to M-1, General Industrial District. The property is located at 707 North Main Street and is identified as tax map parcel 40-T-9.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 11, 2015

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District of the City.

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

Site: Non-conforming residential dwelling, zoned M-1

North: Rooming/Boarding house, commercial uses, and non-conforming residential dwellings, zoned M-1

East: Across North Main Street, commercial uses and non-conforming residential dwellings, zoned M-1

South: Vehicle sales lot, zoned M-1

West: Non-conforming residential dwellings, zoned M-1

The applicant is requesting to rezone a 7,461 +/- square foot parcel from R-2, Residential District to M-1, General Industrial District. If approved, the applicant desires to expand his existing vehicle sales use, which is located on the adjacent property to the south at 705 North Main Street, by constructing an automotive repair garage and office on a portion of the rezoned parcel. The non-conforming dwelling that is currently on the property would remain; however, it would no longer be occupied residentially and would be used as storage for the vehicle sales/repair use.

The parcel is located along the western side of North Main Street, approximately 60-feet north of the intersection of Washington and North Main Streets. Interestingly, the parcel was once zoned M-1. In April 2002, the subject property, along with the adjacent parcel to the north at 715 North Main Street were rezoned from M-1 to R-2, in order to alleviate non-conforming issues and allow the existing single-family homes to be renovated. Staff and Planning Commission recommended against the 2002 rezoning, citing possible conflicts with the existing adjacent commercial uses and the fact that it was not supported by the Comprehensive Plan. City Council unanimously approved the rezoning request.

Subsequently, the adjacent parcel (715 North Main Street) was purchased by Harrisonburg Redevelopment and Housing Authority and rezoned back to M-1 with proffers, so as to apply for special use permits to allow religious, educational, charitable, and benevolent institutional uses, a rooming/boarding house, and a reduction in parking. Staff and Planning Commission supported this request citing the rezoning was more in-line with the future plans for this section of North Main Street.

The parcel under review is a small, narrow lot, approximately 30' X 250' and lies completely within the flood plain, with a portion of it in the floodway; thus placing constraints on the redevelopment of the site. If successfully rezoned, the applicant plans to vacate the property line between the subject parcel and his adjacent property at 705 North Main Street, in order to construct a two or three bay automotive repair garage with associated offices.

At the time of subdivision, to meet the requirements of the Subdivision Ordinance, the property owner would need to dedicate right-of-way (ROW) along the frontage of both the subject parcel requested for rezoning, as well as along the adjacent parcel to the south. As identified within the Master Transportation Plan, North Main Street, from Noll Drive to Charles Street, is planned to be improved by removing on-street parking, creating a center turn lane, and providing better pedestrian and bicycle improvements. The applicant has been informed he would need to hire a surveyor to work with City staff in order to establish the exact amount of required property dedication to provide the needed street improvements as stated above. The ROW dedication can be shown on the same subdivision plat that illustrates the property line vacation. It should be further understood that once the dedication of ROW occurs, the existing structure on the subject parcel could become non-conforming to front yard setback requirements.

The Comprehensive Plan designates this property as Commercial. This designation means that the property is planned for uses such as retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District. The applicant's intended use of automotive sales and repair is a use that is permitted within both, the B-2, General Business and the M-1, General Industrial Districts; however, in the B-2 district, all vehicle repair and storage must be located within a permitted structure, whereas the M-1 district allows vehicle repair and storage to be located outside of buildings, but shall be within a designated area and screened. The applicant's existing automotive sales lot is directly adjacent to the subject parcel and is already zoned M-1, as well, all the surrounding properties along North Main Street are zoned M-1; thus the logical request for the applicant was to rezone back to the M-1 zoning.

In addition, the subject parcel lies 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 items such as signage, street access, and storage of materials for the subject property as well as his larger operation.

As previously noted the parcel lies completely within the floodplain. City staff has had numerous conversations with the applicant regarding the requirements of constructing within the floodplain and the applicant is aware that all floodplain regulations must be complied with.

Although staff would much rather the area along this portion of North Main Street be rezoned to the B-2 district, we understand the constraints of rezoning this one narrow parcel to fit with the existing uses. Staff believes returning the property to the M-1 zoning district is better than maintaining the existing R-2 residential zoning for the long term goals of this section of the City. Staff recommends in favor of the requested rezoning.

Chair Fitzgerald asked if there were questions for staff.

Mr. Way asked if there has been any interest from property owners in the area to rezone from M-1 to B-2.

Mrs. Banks said she has not spoken with anyone in the immediate area, other than the applicant.

Mr. Fletcher said the applicant has had this plan in mind for several years now. We had discussed with him the idea of considering B-2. For him it did not make sense; he could do what he desires in M-1 and only have to rezone one parcel.

Mr. Way said I am more interested in properties within the general area.

Mr. Fletcher replied just casual conversation, but nothing serious.

Mr. Way asked if there were any proffers with the request.

Mrs. Banks replied that there were no proffers with this request. This is a very constricted lot; it is narrow and covered by flood plain. Also, may I add that the applicant is aware that if the property is rezoned to M-1, the use of the property as residential is no longer permitted; he would use the structure for storage of materials associated with his business.

Mr. Baugh said the nature of this area is older and it is somewhat of a hodge-podge of uses. A lot of the actual uses in the area are probably more of an industrial nature, than commercial. It has not really been a hot spot for a lot of proactively rezoning as long as the owners can continue using the property as they are. I think it will eventually get there, but for now I think it makes sense.

Chair Fitzgerald asked if there was anything else before we open the public hearing. Hearing none, she opened the public hearing and asked the applicant, or the applicant's representative to speak.

Mr. Edwin Joya, 707 North Main Street, said he has nothing further to add, but would be happy to answer any questions.

Hearing none, Chair Fitzgerald asked if there was anyone else wishing to speak regarding the rezoning request in general. Hearing none, she closed the public hearing and asked for discussion or a motion on the request.

Mr. Da'Mes made a motion to recommend approval of the request as presented.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of the request to rezone (5-0).

Chair Fitzgerald said this request will go forward to City Council on December 8th with a favorable recommendation.

Respectfully submitted,

Alison Banks
Senior Planner