



City of Harrisonburg, Virginia

Department of Planning & Community Development
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Harrisonburg, Virginia 22801
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To: Kurt Hodgen, City Manager
From: Harrisonburg Planning Commission and
Adam Fletcher, Director - Department of Planning and Community Development
Date: May 9, 2017
Re: 1476 & 1486 South Main Rezoning R-3 to B-2C

Summary:

Public hearing to consider a request from Sunrise Church of the Brethren with representative Curtis Joiner to rezone four parcels zoned R-3, Medium Density Residential District to B-2C, General Business District Conditional. The 0.52 +/- acre site is located at 1476 & 1486 South Main Street and is identified as tax map parcels 11-C-12 through 15.

Background:

The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses.

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

Site: Contains one building used as an accessory use for Sunrise Church of the Brethren, zoned R-3

North: Single family dwellings and retail uses, zoned R-3 and B-2C

East: Single family dwellings, zoned R-1

South: Sunrise Church of the Brethren and commercial uses, zoned B-2

West: Across South Main Street, restaurant and auto parts/service center, zoned B-2

Key Issues:

The applicant is requesting to rezone four parcels totaling 0.52 +/- acres from R-3, Medium Density Residential District to B-2C, General Business District Conditional. Presently, a 1,632 square foot building occupies the property. The building was formerly a single family dwelling and had been used by the Sunrise Church of the Brethren as a meeting space.

The Zoning Ordinance states that 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 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.

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

The following B-2 uses will be retained:

- Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
- Governmental, business and professional offices and financial institutions.
- Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
- 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.
- Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
- General service or repair shops permitted by right in the B-1 Central Business district but without the limitation as to the number of employees.
- Pet shop or pet grooming establishment and animal hospitals.
- Warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted uses in this district.
- Funeral homes.
- Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
- Plant nurseries, greenhouses, landscaping businesses, and similar operations provided any outside storage of material, other than plants, must be screened.
- Public uses.
- Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC.
- Accessory buildings and uses customarily incidental to any listed uses in these proffers.

In addition, the applicant retains the right to seek special use permits allowed in the B-2 district.

With regard to the site, the applicant proffers:

- An opaque fence 6 feet in height to be located along the rear of the property between the parking lot and the adjoining R-1, Single-Family Residential properties to the East.
- All exterior lighting that is located between any building and the adjoining R-1, Single-Family Residential properties to the East shall be of the type and design as to direct the illumination away from the residentially used property and toward the building and parking areas of the subject property.
- When redevelopment of the site triggers an engineered comprehensive site plan, the redeveloped site shall include a minimum 10 foot landscaping buffer with trees or other

plants installed and maintained with the intent to form a dense screen. The installed vegetation shall be 6 feet in height at the time of planting, installed at a minimum of 5 feet on center, and located along the rear of the property between the parking lot and the adjoining R-1, Single-Family Residential properties to the East.

- When redevelopment of the site triggers an engineered comprehensive site plan, a Traffic Impact Analysis determination and/or study shall be performed with the baseline use to be classified as a professional office of 1,632 square feet. This proffer shall be binding only during the first redevelopment since approval of the rezoning request.

The applicant explained details about the immediate intended use of the property; however, such details are not proffered. The owner of a local food truck would like to use this property to park a food truck and, eventually, would like to remodel (potentially with an addition) the existing structure to make it into a restaurant. If this rezoning request is approved, future buildings or 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. When a shared line abuts a residential district, the minimum setback then increases to 30-feet which is the case to both the north and east of the subject property. 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 applicant and the food truck owner have both been made aware of the increased side and rear yard setbacks and the building code requirements for converting a structure into a restaurant. There are also interior lot lines that would need to be vacated prior to the issuance of a building permit.

As stated previously, the Comprehensive Plan designates this area as Planned Business. The Planned Business designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. Commercial uses are desirable at this location with special consideration for the impacts on adjacent residential properties.

The applicant has proffered to limit the types of uses that would be allowed on the proposed B-2C zoned property by removing some of the more intensive uses such as vehicle repair, vehicle sales/rental, and fuel stations to address staff's concerns with potential noise and/or lights coming from this property and impacting the adjacent residential neighborhood. Furthermore, the applicant proffered that site lighting will be directed away from the residentially used properties and a six-foot tall, opaque fence will separate the property from the R-1, Single Family Residential properties to the east. These proffers satisfy staff's concerns for potential commercial uses on the subject site.

While a 1,000 square foot restaurant in the existing building might not be a huge impact on surrounding properties, staff was concerned about future redevelopment, which could include much larger, more intensive commercial uses. The last two proffer statements refer to the redevelopment of the property with an engineered comprehensive site plan. Meaning, if the existing site was modified at such intensity that an engineered comprehensive site plan is required (such as, but not limited to, the building being demolished and the entire site redeveloped for commercial use), these proffers would be triggered. They are meant to mitigate impacts on the adjacent residential district by installing a minimum 10-foot landscaping buffer with trees or other plants to form a dense screen and to properly assess the redevelopment's impact on transportation infrastructure by performing a traffic impact analysis (TIA) determination and/or study using the professional office of 1,632 square feet as the baseline use.

The first engineered comprehensive site plan-triggered proffer statement is associated with a landscaping buffer. The intent is to form a dense screen, combined with the six foot fence that would already be in place, along the eastern boundary to provide separation between the allowable commercial uses and

neighboring residential district. A 10-foot landscaping buffer and six foot fence would provide noise reduction as well as visual screening from lights and activities associated with commercial uses.

The last proffer statement addresses staff's concern regarding TIA determinations and studies, and how they are performed with the current use's traffic impact comparing it to the traffic impact of any future use. For this site, the change from an office use to a restaurant use in a 1,632 square foot building does not prompt a TIA study which Public Works Department may require. TIA studies may be required for any planned development expected to generate an additional 100 or more vehicle trips in the peak hour. If uses on this site increase in intensity incrementally without an engineered comprehensive site plan, then a new, higher baseline would be established by the time this site is redeveloped years down the road. Meaning, the opportunity to fully evaluate the traffic impact could be lost. Following discussions with staff, the applicant has offered that a future TIA determination and/or study required by an engineered comprehensive site plan would use the baseline of a professional office in a 1,632 square foot building. For example, if the property was redeveloped with an engineered comprehensive site plan for a 3,000 square foot fast food restaurant with a drive-thru, the AM peak would be 137 trips. The AM traffic peak for a 1,632 square foot professional office is only 3 trips with the difference being 134 trips, which is over the 100 trip threshold to activate a study. The TIA proffer would only apply to the first redevelopment of the site.

Concerns regarding careful controls to ensure compatibility in case of a larger, more intense use one day occupying this property have been addressed through the use of the engineered comprehensive site plan-triggered proffers. Staff believes the requested rezoning is acceptable given the limitations proffered by the applicant.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning request as submitted by the applicant;
- (b) Deny the rezoning request as submitted by the applicant.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for both Planning Commission's and City Council's public hearings for the rezoning. The advertisement was published as shown below:

Public hearing to consider a request from Sunrise Church of the Brethren with representative Curtis Joiner to rezone four parcels zoned R-3, Medium Density Residential District to B-2C, General Business District Conditional. The Zoning Ordinance states that 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. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. The 0.52 +/- acre site is located at 1476 & 1486 South Main Street and is identified as tax map parcels 11-C-12 through 15.

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. Site maps (2)
2. Application, applicant letter, and supporting documents (6)

Review:

Planning Commission recommended to approve (5-2) the rezoning of 1476 & 1486 South Main Street from R-3 to B-2C as presented by staff.