



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: August 8, 2023 (Regular Meeting)
Re: Rezoning – 201, 203, 205, and 207 Broad Street, and 264 and 266 East Wolfe Street (R-2 to B-1C)

Summary:

Project name	N/A
Address/Location	201, 203, 205, and 207 Broad Street, and 264 and 266 East Wolfe Street
Tax Map Parcels	34-O-1, 2, and 3
Total Land Area	+/- 19,000-square feet
Property Owner	Blue Stone Designs LLC
Owner's Representative	Brian Wilfong
Present Zoning	R-2, Residential District
Proposed Zoning	B-1C, Central Business District Conditional
Staff Recommendation	Approval
Planning Commission Recommendation	July 12, 2023 (Public Hearing) Approval (7-0)
City Council	August 8, 2023 (First Reading/Public Hearing) Anticipated August 22, 2023 (Second Reading)

Background:

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

Site: Illegal multifamily dwellings, zoned R-2

North: Multifamily and single-family dwellings, zoned B-1C and R-2

East: Across Broad Street, nonconforming multifamily dwellings and single family dwellings, zoned R-2

South: Across East Wolfe Street, nonconforming single family dwellings and vacant land, zoned M-1

West: Multifamily and single-family dwellings and barber shop, zoned B-1

The applicant seeks a rezoning of their property to bring the property into compliance with the Zoning Ordinance (ZO). On August 10, 2022, the property owner submitted a building alteration permit

application intending to update outdated plumbing and electrical systems by furring out existing walls. On August 31, 2022, the permit was approved and issued. However, a Community Development Building Inspector discovered that additional work had been carried out without the necessary permits. On March 20, 2023, the property owner submitted a building alteration permit application to rectify the situation. It was at this point that zoning staff became aware that the current use of the property did not conform to the R-2, Residential District regulations. The property owner was informed that in order to obtain approval for the permit, they would need to prove nonconformance by providing substantiating evidence that the use had been legally established and maintained over time. However, despite efforts made, the requested documentation could not be provided, leaving rezoning the property to the B-1, Central Business District as the sole viable option to ensure conformity for the existing residential uses. The processing of the building alteration permit has been suspended pending the outcome of the subject rezoning request.

If the application for rezoning is denied, the applicant will be required to bring the buildings into compliance with the Zoning Ordinance, unless they are somehow able to demonstrate nonconformance.

Key Issues:

The applicant is requesting to rezone a +/- 19,000-square foot property from R-2, Residential District to B-1C, Central Business District Conditional. The properties are addressed as 201, 203, 205, and 207 Broad Street, and 264 and 266 East Wolfe Street. The three properties are identified as tax parcels 34-O-1, 2, and 3. There are currently three illegal multifamily buildings on the property. Each building has four dwelling units.

Proffers

The applicant has offered the following proffers (written verbatim):

1. the [*sic*] subject properties shall only be used for residential buildings, except that any allowed by special use permit shall be permitted as approved by city [*sic*] Council.
2. All current parking on the property along East Wolfe Street that requires backing into the public right-of-way shall be eliminated. The property owner shall be responsible for removing gravel so that the area does not look like a parking area (e.g. seeding the area with grass, landscaping, or installing other structures or features to discourage parking that backs into the public right-of-way). This work must be completed within six months of City Council approval of the rezone [*sic*].
3. Structures/Buildings shall be no taller than 52 feet in height and limited to no more than 4 stories.

The B-1 district allows many types of non-residential uses including, but not limited to, retail, restaurants, offices, and hotels. If approved, proffer #1 eliminates the property's ability to contain, by right non-residential uses as the property is a transitional area between the residential neighborhood and higher intensity uses that are typically found in the B-1 district.

The ZO prohibits multifamily dwellings to use public right-of-way for maneuvering in and out of parking spaces. Thus, with Proffer #2, the applicant will change the existing gravel area along East Wolfe Street in a way to discourage parking that backs into the public right-of-way; this can be done by grass, landscaping, or installing other features.

The B-1 district also allows a maximum building height of 75-feet. While there are currently units on the property, proffer #3 is intended to address any concerns someone might have that if in the future a new building is constructed on the property; the building's maximum height would be limited to 52 feet and no more than four stories.

Land Use

The Comprehensive Plan designates the property as Mixed Use, which is described as:

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.

Broad Street is the transition area between planned residential uses and the mixed-use area of downtown. Staff is appreciative of the applicant’s willingness to keep the property residential through the proffers, as well as, limiting building height. Staff believes that the proposed use with the submitted proffers conforms with the Mixed Use area designation and abutting Neighborhood Residential designation.

Staff suggested the applicant consider proffering either to build a sidewalk along East Wolfe Street or to dedicate public street right-of-way or a public sidewalk easement along East Wolfe Street so that the City could later construct sidewalks along East Wolfe Street. At this time, the applicant is not comfortable proffering to build the sidewalk or to dedicating public street right-of-way, or to dedicate a public sidewalk easement. While staff would like to promote the interconnectivity of the City’s sidewalk network in this area, staff understands some of the applicant’s hesitations and the fact that constructing sidewalk adds cost to the overall housing cost.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

While the applicant has not proffered a minimum number of off-street parking spaces, there is an alley behind the properties that gives residents the ability to park behind the buildings. Residents can also park on City streets. Given the parcel's size, location, alley access, on-street parking abilities, and the submitted proffers, staff does not have concerns with off-street parking matters.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service for the proposed development.

Housing Study

The Harrisonburg Comprehensive Housing Assessment and Market Study designates this area as Market Type A. Market Type A areas include "an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

Recommendation

Staff is recommending approval of the rezoning.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning request; or
- (b) Deny the rezoning request.

Community Engagement:

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

Rezoning – 201, 203, 205, and 207 Broad Street, and 264 and 266 East Wolfe Street (R-2 to B-1)

Public hearing to consider a request from Blue Stone Designs LLC to rezone a +/- 19,000-square foot property from R-2, Residential District to B-1, Central Business District. The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and duplex residential development. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District. The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. 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. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings. The property is addressed as 201, 203, 205, and 207 Broad Street, and 264 and 266 East Wolfe Street and is identified as tax map parcel numbers 34-O-1, 2, and 3.

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) approval of the rezoning.

Attachments:

1. Extract from Planning Commission
2. Site maps
3. Application and supporting documents

Review:

Planning Commission recommended approval (7-0) of the rezoning request.