



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 11, 2014

REZONING – WEST OF NORTH MAIN STREET & SOUTH OF MT CLINTON PIKE

GENERAL INFORMATION

- Applicant:** Northside, LLC and Joseph and Linda Moore
- Tax Map:** 42-B-8B, 8C, 32, 33, 34, 35, & 35A, and portions of 42-B-8, 8A, 9, 9A, & 36, along with portions of Wilson Avenue and Boulevard Avenue found on tax maps 42 and 44.
- Acreage:** 6.69 +/- acres
- Location:** West Side of North Main Street and South Side of Mt. Clinton Pike
- Request:** Public hearing to consider a request to rezone seven parcels and portions of five parcels and portions of Wilson Avenue and Boulevard Avenue from R-2 Residential District to B-2C, General Business District Conditional.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates the majority of this area as General Industrial with small portions designated as Commercial. The General Industrial designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities. The Commercial 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:** Single Family homes, undeveloped lots, and portions of developed Wilson Avenue, and undeveloped Wilson Avenue and Boulevard Avenue, zoned R-2
- North:** Undeveloped parcels, zoned R-2, and across Mt. Clinton Pike, technology industrial park uses and undeveloped lots, zoned M-1 with the Technology Overlay
- East:** Undeveloped parcels, zoned R-2 and M-1, and across Mt. Clinton Pike parcels containing Harrisonburg Motor Express, zoned M-1
- South:** Single family homes, zoned R-2, and across North Main Street, industrial uses, zoned M-1
- West:** Single family home lot, zoned R-2, and property owned by GSW Investors with operations of Rockingham Construction and Special Fleet Service, Inc.

EVALUATION

The applicants are requesting to rezone 6.69 +/- acres of property made up from seven parcels, portions of five other parcels, and a majority of the sections of Wilson Avenue and Boulevard Avenue that they requested for closure last month, all from R-2, Residential District to B-2C, General Business District Conditional. (As a reminder, the street closing request was recommended for approval by staff and also supported by Planning Commission with a 6-0 vote on May 14th. The public hearing for the street closing is scheduled at City Council on June 10th.) Along with this rezoning, the applicants are also requesting preliminarily plat approval for the subject property, the details of which are explained in a separate staff report. The street right-of-way (ROW) closure, the preliminary plat, and the rezoning are all steps initiated by the applicants so that they may sell the property to an interested commercial developer to build a grocery store.

The applicants' engineer submitted three layout sheets to demonstrate different details of the request. Sheet 1 illustrates the conceptual layout for the grocery store, Sheet EX-3 demonstrates the exact area of the applicants' property they are requesting be rezoned, and Exhibit A illustrates locations of cross access easements that would be provided for some of the neighboring properties.

In this rezoning, the applicants have proffered the following:

1. Cross access easements with adjoining properties shall be provided as generally shown on Exhibit A. The access road from North Main Street shall be a private road and the access road from Mt. Clinton Pike shall be a public street.
2. The following uses shall be prohibited on this property.
 - a. Vehicle, recreation equipment, or trailer sales served by a permanent building facility unless clearly incidental to an existing building. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - b. Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.
 - c. Tractor Trailer fueling stations selling diesel shall be prohibited on this property.
3. A shared use path will be constructed along Mt. Clinton Pike across tax map parcel 44-A-30 to the western property line of tax map parcel 42-B-11 (Northside, LLC). Adequate right-of-way will be dedicated, or easements provided, to accommodate the shared use path including two-feet beyond the width of the path. The path will be constructed in accordance with the AASHTO standards current at the time that the design of the facilities was performed. The shared use path will consist of a 10-foot wide asphalt surface with a 5-foot wide grass strip between the path and adjacent back of curb.
4. A left turn lane with 150 feet of storage and 100 foot taper turning into the new public road extension of Technology Drive along with a left turn lane of 100 feet and 100 foot taper turning into Technology Drive will be constructed on Mt. Clinton Pike.

5. A signal design will be provided for the intersection of Mt. Clinton Pike and Technology Drive and the developer will install all necessary conduits and all junction boxes during the road construction.
6. The extension of Technology Drive will be constructed from Mt. Clinton Pike to the existing boundary line of the remaining right-of-way portion of Wilson Avenue.
7. For any required sidewalk and curb and gutter construction along public streets, the stormwater will be managed with the proposed development.

Take note that the conceptual grocery store layout as shown on Sheet 1 is not proffered. However, Sheet 1 generally depicts the proffered street improvements that would be made along Mt. Clinton Pike and North Main Street.

The submitted rezoning request triggered the need for the applicant to perform a traffic impact analysis (TIA), which has already been reviewed. It should be understood that, along with other types of development applications, the Zoning Ordinance may require applicants of rezonings to perform a TIA if the rezoned property could generate 100 vehicle trips in the peak hour. When TIAs are required at the rezoning phase, they must be submitted and reviewed by the City before the rezoning application is accepted. Rarely are applicants required to perform a TIA at the time of rezoning because applicants often proffer the uses or other specifics of a project so that the TIA threshold is not triggered. As noted, for this request the threshold was triggered and the applicants had to complete a TIA.

After completing the TIA, the Department of Public Works, the Virginia Department of Transportation (VDOT), and the applicants' engineer determined that a depth of about 30 feet of public street ROW dedication would be needed along the subject property's entire Mt. Clinton Pike street frontage to accommodate the public street improvements required by the planned commercial development. VDOT was involved in the TIA review because the site is located within 3,000 feet of a State maintained road. Such a TIA is generally known as a Chapter 527 review, which is required by State Code. The required street improvements are proffered details as listed above. The needed ROW dedication is also demonstrated on the subject property's submitted preliminary plat.

The majority of the subject property is designated General Industrial by the Comprehensive Plan's Land Use Guide. However, small portions of the property are designated Commercial. The areas designated Commercial are the parts of the existing parcels adjacent to Wilson Avenue—along the sides of the conceptual plan's private road that extends from North Main Street to the planned development area. The subject property is bordered by more land designated General Industrial along a portion of its western boundary. Property across Mt. Clinton Pike is also designated General Industrial. However, aside from a small adjacent area at the corner of North Main Street and Mt. Clinton Pike, the subject property is bordered on the east, south and a portion of its western boundary by land designated as Commercial. The Commercial designation was placed on lots fronting North Main Street. Except the very corner parcel (tax map 42-B-11) and the two properties where the Community Services Board operates, all properties having frontage along North Main Street are designated as Commercial. This commercially designated corridor stretches south to North Main Street's intersection with Washington Street, where the Comprehensive Plan's Land Use Guide changes to Mixed Use Development Areas—a Land Use Guide designation often associated with B-1 zoning.

Although the property is primarily designated for General Industrial use it is in an area of transition between General Industrial and Commercial use. In fact, the Comprehensive Plan land use guide uses one of the western boundaries of the subject property as the split between future General Industrial and Commercial use. Another factor in staff's favorable recommendation is transportation and how traffic should efficiently and effectively move through this area and the North Main Street/Mt. Clinton Pike intersection. Although the City desires to have commercial properties fronting North Main Street, entrances to such properties should be located as far from the North Main Street/ Mt. Clinton Pike intersection as reasonably possible. The proposed rezoning provides an opportunity to minimize entrances close to this intersection by providing access easements to the lots located closest to the corner. The associated subdivision and street closures also include the extension of Technology Drive, providing the opportunity for connectivity with Mount Clinton Pike to undeveloped land north and west of the rezoning.

Taking into consideration that the Comprehensive Plan designates much of the adjacent land for commercial use and also given the larger transportation/traffic picture, staff feels it is appropriate to recommend approval of this rezoning.

Although recommending in favor of the requested rezoning, staff does not believe this sets a precedent to look favorably upon further B-2 rezoning requests along the Mt. Clinton Pike corridor. At this time, staff believes the appropriate limit to the B-2 zoning district is at the planned extension of Technology Drive.