



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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September 2, 2014

TO THE MEMBERS OF CITY COUNCIL

CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Farhad Koyee, Bahar Mikael, and Sabir Haji to rezone a 0.38-acre (16,553 +/- sq. ft.) portion of a 0.52-acre (22,600 +/- sq. ft.) parcel from R-2, Residential District to B-2C, General Business District Conditional. The property is located along the north side of Ashby Avenue but is addressed as 907 North Main Street. The parcel has 104 feet of lineal road frontage, where 40-feet of it is zoned B-2 and 64-feet is zoned R-2. The split-zoned lot is one parcel removed from the corner of Ashby Avenue and North Main Street and is identified as tax map parcel 41-C-44.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: August 13, 2014

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher 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: Undeveloped split-zoned property, zoned R-2 and B-2

North: Single family homes and undeveloped property, zoned R-2

East: Undeveloped property, zoned R-2 and office space and non-conforming apartments, zoned B-2

South: Undeveloped property zoned B-2, and across Ashby Avenue, a non-conforming residential dwelling, zoned B-2C

West: Across Ashby Avenue, duplex units, zoned R-2

The applicants are requesting to rezone a split-zoned parcel located along Ashby Avenue that is one lot removed from the corner parcel along the northern side of the North Main Street/Ashby Avenue intersection. The request is to rezone the R-2 portion of the property, which is approximately 16,900 square feet in size, to B-2C. The remaining 6,000 square foot section of the property is already zoned B-2. Along with owning the subject parcel, the applicants/property owners also own the corner parcel, which is zoned B-2.

The property's split zoning is due to a 1979 rezoning. At that time, the applicant (a previous property owner) applied to rezone the entire lot to B-2 so they could utilize the parcel and the corner parcel

together to accommodate a larger commercial development. Several property owners on Ashby Avenue and Madison Street opposed the rezoning and ultimately City Council approved only a 40-foot strip of the subject property to be rezoned from R-2 to B-2, which is how the property's zoning remains today.

Later, in 2009, the property owner, at that time (different from the previous and current property owners), requested the subject parcel, the corner parcel, and two parcels to the north to be rezoned from B-2 and R-2 to M-1C, General Industrial District Conditional. Their proffers included retaining the following industrial uses: warehousing and other storage facilities provided that the size, volume and contents shall be governed by applicable safety regulations; mercantile establishments and office facilities accessory to and supportive of the sale, processing and storage of goods and materials as permitted in this district; accessory buildings and uses customarily incidental to any of the above listed uses; public uses; and public and privately owned parking lots and parking garages. That applicant also proffered buffering the property from the adjacent residential areas. Their intended development plan was to install mini-storage units. Staff recommended denial and Planning Commission also unanimously recommended denial of the request. The applicant ultimately withdrew their application and it was never heard at City Council.

With the current request, the applicants are proffering the following:

- Along the entire length of the western and northern property lines, where the adjacent property is zoned residentially, for a width of 10-feet, the existing vegetation (including all trees and shrubbery) shall be maintained to assist in providing a buffer between the property and the adjacent residentially zoned property. In addition, evergreen trees shall be planted and maintained within the 10-foot buffer zone with the intent to form a dense screen. The evergreen trees shall be three to four feet in height at the time of planting and shall be planted at no greater than 5-foot centers.
- A six-foot solid, opaque fence shall be installed along the same boundaries as identified above.

If approved, the above conditions would only be applicable to the approximate 16,900 square foot portion of the property. The fence may or may not be installed within the first 10-feet of the property lines, but must be installed along the stated boundaries. The existing B-2 portion of the subject parcel would not be restricted to the submitted proffers. This is important to understand because there is a small section of residentially zoned property to the north of the existing B-2 portion of the parcel.

Along with the proposed buffering, current minimum building setback regulations within the B-2 portion of the Zoning Ordinance will also provide helpful separation of uses protection between the commercial and residential properties. Regardless of the property's zoning, a 30-foot minimum building setback must be applied along Ashby Avenue. Then, regarding side and rear yard setbacks, a 30-foot setback must also be applied along property lines that adjoin residentially zoned property; this includes the western and northern property lines. Furthermore, if a structure is built that is greater than 35 feet in height, an additional one-foot of building setback must be applied along the lines that adjoin residentially zoned property for every foot above 35 feet. If property lines adjoin commercially zoned property, a 10-foot building setback may be applied. It is important to remember, however, these setbacks are for structures and that parking lots are not bound by the same setback requirements.

The applicant has discussed with staff their intended plan to develop on this property, which includes utilizing the subject parcel and the corner parcel together to develop retail space and a vehicle repair shop. If the rezoning is approved however, all permitted B-2 uses could operate from this site and the property owners could apply for any listed special uses.

The subject property (and the corner parcel that they also own) is designated Commercial by the Land Use Guide. The subject property's western property line and portions of the northern property line mark the Land Use Guide's boundary between the Commercial designation and adjacent residentially zoned property being designated Medium Density Mixed Residential. The City designated the entire subject property Commercial with the approval of the current 2011 Comprehensive Plan update; the 2004 Comprehensive Plan designated the subject parcel Commercial for the B-2 portion and Medium Density Mixed Residential for the R-2 portion.

As demonstrated further by the Comprehensive Plan, the subject parcel (and the corner parcel) falls within a Corridor Enhancement Area. Parcels that are located within these corridors strongly influence the City's accessibility, attractiveness, and its economic vitality. The City recognizes the importance of these areas and the impact they have on the overall quality and character of the city, and therefore, strongly encourages all proposals and construction to embody quality development and to contain exemplary attributes such as improved streetscapes, multi-modal transportation enhancements, conservation of special features, and other upgrades while also incorporating aesthetic signage. Existing zoning regulations (i.e. minimum setback regulations, parking lot landscaping standards, etc.) and Design and Construction Standards Manual requirements should help influence and control the interests we have for such properties. Staff did not encourage additional controls for matters related to signage as the property is designated Commercial.

It is important to understand, and the applicant is aware, regardless of how the property develops, they will be required to construct sidewalk along the entire property frontage of the parcels they are developing. Depending upon how this corner area develops, the dividing line between lot 43 and 44 may need to be vacated. Ultimately, the subdivision and/or the development of the property could require them to dedicate public street right-of-way (ROW) along the frontage of both Ashby Avenue and North Main Street as neither of those streets appears to have the minimum amount of public street ROW width needed for all public street improvements. Furthermore, when the corner parcel is developed, the Master Transportation Plan designates street improvements along its North Main Street frontage to include a center turn lane and to remove parking on North Main Street. The Plan also specifies that this section of North Main Street does not have adequate bicycle facilities, thus the developer could be required to not only dedicate ROW, but also build the necessary street improvements. Since sidewalk already exists along North Main Street, they could be required to remove it and move it back further to accommodate the widening and bicycle facilities. Depending upon how this corner area develops, the City may also wish to have all site entrances located along Ashby Avenue, with no North Main Street access.

Neither the applicant nor staff knows exactly where the western and northern property lines are located in relation to the existing tree line and other vegetation. These areas already provide a relatively nice existing buffer between the residential uses to the west and north of the subject property. However, the intent of the buffering proffers are not only to preserve as much of the existing buffer as possible but also to enhance and strengthen these and any areas that may not already be protected by installing an opaque fence and additional evergreen vegetation to form a dense screen.

Given the well-intended proffers and the fact that the City has planned for this parcel to contain commercial uses, staff recommends approving rezoning the existing R-2 portion of the property to B-2C, General Business District Conditional.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Da'Mes asked if allowable signage was determined by the size of the building or the size of the lot.

Mr. Fletcher replied it is the lineal street frontage of the lot for an individual use. If the building is multi-tenants, then the wall signage is calculated differently. But for one use, it is calculated as one square foot of signage for each lineal foot of road frontage along the principal street.

Mr. Colman asked if the zoning boundary was also a property line; that is how it appears on our maps.

Mr. Fletcher said no, our GIS software shows the digital coding for the zoning as a line; therefore it shows up like a property boundary.

Chair Fitzgerald said the vegetation that they have to maintain between the residential properties is ten feet onto the applicant's property and it would be from whatever property line is determined once surveyed. Do we have a sense of approximately how much of the existing is in the ten feet?

Mr. Fletcher replied no we do not, which is why we encouraged the additional buffering. The applicants liked the buffering and were willing to maintain it; however they could not verify where the property line was.

Mr. Colman asked if the applicant had a preliminary layout of what the property might look like.

Mr. Fletcher said they have given us a preliminary layout. The applicant was interested in supplying that this evening; however, it was our suggestion to not include it because it is not proffered. We felt it was irrelevant to show because anything could go there as long as they met setbacks, parking, and so forth. They are looking at potential retail space and automobile repair.

Mr. Colman asked if the idea was to combine both lots.

Mr. Fletcher replied yes, the idea is to combine both lots. I believe historically, the plan has been to combine all the lots. That of course is according to the plans that others have wanted to do at this location; remember the corner parcel is zoned B-2 and is developable. Also, the additional setback is only for structures; parking could be within the thirty-feet, but not within the ten-foot buffer.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant if they would like to speak.

Mr. Farhad Koyee, said he is one of the owners of the property and they just purchased it. We are trying to develop this and make it look nicer. We will be constructing the sidewalk and planting more trees.

Mr. Da'Mes asked Mr. Koyee if he understood that when the property is developed they would lose the ten-feet along North Main Street for right-of-way.

Mr. Koyee said yes, I understand that.

Mr. Fletcher said at the time of subdivision or the time of development the applicants would need to dedicate the right-of-way. Staff insured that Mr. Koyee understood this.

Chair Fitzgerald asked if there was anyone else who would like to speak in favor of this proposal. Hearing none, she asked if there was anyone who would like to speak against the proposal. Hearing none, she closed the public hearing and asked Planning Commission for discussion or a motion.

Mr. Colman moved to recommend approval of the rezoning as requested.

Dr. Dilts seconded the motion.

Chair Fitzgerald called for a roll call vote on the motion.

All voted in favor (6-0).

Chair Fitzgerald said this would move forward to City Council on September 9, 2014 with a favorable recommendation from Planning Commission.

Respectfully Submitted,

Alison Banks
Planner