



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Planning Commission
From: Department of Community Development
Date: November 8, 2023 (Regular Meeting)
Re: Rezoning – 1300, 1302, 1308, and 1316 South Main Street (R-3 to B-2)

Summary:

Project name	7 Brew
Address/Location	1300, 1302, 1308, and 1316 South Main Street
Tax Map Parcels	18-R-1, 3, and 4
Total Land Area	+/- 1.06-acres
Property Owner	Harginia LLC
Owner's Representative	Toth & Associates
Present Zoning	R-3, Medium Density Residential District
Proposed Zoning	B-2C, General Business District Conditional
Staff Recommendation	Denial
Planning Commission	November 8, 2023 (Public Hearing)
City Council	Anticipated December 12, 2023 (First Reading/Public Hearing) Anticipated January 9, 2023 (Second Reading)

Background:

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

Site: Vacant building, previously a financial institution, zoned R-3

North: Across Port Republic Road, James Madison University parking lot, zoned R-3, R-3C, R-1

East: Single family detached dwellings, zone R-1

South: Across Edgelawn Drive, commercial offices and single family detached dwelling, zoned R-1 and R-3

West: Across South Main Street, multifamily dwellings, zoned R-3

Key Issues:

The applicant is requesting to rezone a +/- 1.06-acre property from R-3, Medium Density Residential District to B-2C, General Business District Conditional. The property is addressed as 1300, 1302, 1308, and 1316 South Main Street. The applicant is proposing to build a 7 Brew Coffee shop, which is a drive-thru coffee shop that does not have an indoor dining space or walk-in ordering. If approved, this would

be the business's second location in Harrisonburg; the first being located at 1746 East Market Street (the former location of Jess' Lunch #2), which will soon be open for business.

Proffers

The applicant has proffered the following (written verbatim):

1. At the time of redevelopment, or when any new use occupies the property, a six (6) ft. tall opaque fence shall be constructed and maintained adjacent to tax map parcels 18-R-2 & 5.
2. All exterior lighting located on the property shall be downlit and of the type and design as to direct the illumination on site toward the building and parking areas with the intent to minimize light escaping beyond the property boundary.
3. When redevelopment of the site triggers an engineered comprehensive site plan, the redeveloped site shall include a minimum 10-foot wide landscaping buffer located along the rear of the property where it adjoins tax map parcels 18-R-2 and 5. The landscaping buffer shall include trees and shrubs installed and maintained with the intent to form a dense screen and reduce noise from the property. Existing vegetation may be preserved and/or new vegetation installed to form the screen. Newly installed trees shall be at least 6 feet in height at the time of planting.
4. The site's entrance at Edgelawn Drive shall be designed and constructed with a channelizing island to prevent left turn egress movements as illustrated in VDOT Road Design Manual, Appendix F Figure 4-4 Commercial Entrance Channelization Island Options, or an alternative approved by the Harrisonburg Department of Public Works.
5. Before any Certificate of Occupancy is issued, the property owner shall dedicate necessary public street right-of-way to encompass the sidewalk at the intersection of South Main Street and Edgelawn Drive.
6. The hours of operation will be no earlier than 5:30 am and close no later than 10:00 pm, seven (7) days per week.
7. Any outdoor speakers will not produce any sound exceeding 55 dB at any property line abutting a residential use.

The conceptual site layout is not proffered.

Proffer #4 is addressed in the Transportation and Traffic portion of this report.

Proffers #1, #2, and #7 were submitted to address concerns staff shared with the applicant regarding sound and light pollution to the surrounding residential uses. Note that 55 dB describes moderate sounds like the sound of normal conversation, a residential street, or music playing in the background. During review of the rezoning request, staff researched information to better understand the operations of 7 Brew and found that other 7 Brew locations play music on exterior speakers and that it has caused concern in other communities.^{1,2}

As specified by proffer #3, when future development triggers an engineered comprehensive site plan (ECSP), a landscaping buffer shall be established along the existing property line to the east adjoining

¹ <https://www.news-leader.com/story/news/politics/2022/07/13/council-debates-proposed-7-brew-drive-through-next-sunshine-elementary/10037681002/>

² <https://sgfcitizen.org/economy-growth/business/7-brew-wont-be-getting-its-mind-blowing-drive-thru-but-city-council-says-they-can-still-operate/>

the existing residential dwellings. The site currently has a partially dense screen that exists along tax map parcel 18-R-5. The submitted proffer will allow for the existing vegetation to be counted towards the new buffer.

Proffer #5 will require that the applicant dedicate public street right-of-way to encompass the existing sidewalk.

According to the applicant, the typical hours of operation for 7 Brew are Sunday through Thursday 5:30 am to 10:00 pm and Friday and Saturday 5:30 am to 11:00 pm. Proffer #6 would reduce the Friday and Saturday night hours to 10:00 p.m., which is one hour earlier than 7 Brew typically operates. While staff is appreciative of the applicant's willingness to limit their hours of operation on Friday and Saturday nights, staff is still concerned about the lighting and noise that comes with such a vehicle-centric business along with the additional noise generated by the planned exterior speakers. With this type of operation, the planned operating hours could be disruptive to the adjacent residential neighbors.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

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.

Staff does not believe that the proposed use conforms with the Comprehensive Plan. As noted above, the property is designated as Mixed Use, which, among other things, is a designation that promotes for "live-work" environments and traditional neighborhood development (TND). A use devoted only to

quick in and out vehicular traffic is contradictory to the Mixed Use designation. The Mixed Use designation description refers to TND, which is explained further in the Comprehensive Plan on page 6-9, and includes promoting walking, biking, and taking public transit. The planned operation is incredibly vehicle-centric as it is a drive-thru only coffee shop; there is no sit-down component that supports a Mixed Use/TND area. Moreover, the Comprehensive Plan places an emphasis on site layouts within the Mixed Use areas as it states that “scale and massing of buildings is an important consideration in development.” With the planned operation, a large amount of land is devoted to vehicle lanes and parking. Continuing to establish suburban-type development moves the City further from the “live-work” neighborhood style of development that we want for this section of the South Main Street corridor.

Although the applicant is specifically interested in operating the planned drive-thru coffee business, rezoning the site to the B-2 district would allow many other uses than are currently permitted under the R-3 district. Uses that staff believes are inconsistent with a Mixed Use area include: vehicle fuel stations, bus terminals; the sale and repair of vehicles, recreation equipment, or trailers; and warehousing as it is permitted in the B-2 district.

Transportation and Traffic

Although a traffic impact analysis (TIA) was not required for the rezoning request, staff has concerns on the impact that the proposed development may have. The intersection of South Main Street and Port Republic Road is one of the busiest intersections within the City and staff is concerned with the proposed vehicle-centric operation being located on this corner.

As specified by proffer #4, the applicant will construct an entrance that will restrict left turns from the subject site onto Edgelawn Drive. In other words, only right turns will be permitted when leaving the site. The proffered channelized entrance control will help prevent customers from turning left onto Edgelawn Drive and then exiting onto East Weaver Avenue and traveling through a residential neighborhood.

While not proffered, during the redevelopment of the site, the applicant will be required to close and reconstruct the entrances along Port Republic Road and South Main Street. The three existing entrances would not be allowed under today’s standards for commercial entrances.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Recommendation

Although staff is appreciative of the applicant’s willingness to implement proffers to mitigate the concerns of the surrounding residential uses, staff remains concerned about light, sound, and traffic impacts and believes that the proposed use does not conform with the Comprehensive Plan. Staff recommends denial of the rezoning request.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning request; or
- (b) Recommend denial of the rezoning request.

Community Engagement:

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

Rezoning – 1300, 1302, 1308, and 1316 South Main Street (R-3 to B-2)

Public hearing to consider a request from Harginia LLC to rezone a +/- 1.06-acre property from R-3, Medium Density Residential District to B-2, General Business District. The property is addressed as 1300, 1302, 1308, and 1316 South Main Street and is identified as tax map parcels 18-R-1, 3, and 4.

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 (b) denial of the rezoning request.

Attachments:

- 1. Site maps
- 2. Application and supporting documents

Review:

N/A