



# 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: January 10, 2023 (Regular Meeting)  
Re: Rezoning – 178 and 188 South Mason Street (B-2 to B-1C)

### **Summary:**

Public hearing to consider a request from Van Delay LLC & Michael L. Marston to rezone a +/- 6,355 square foot parcel from B-2, General Business District to B-1C, Central Business District Conditional. The property is addressed as 178 and 188 South Mason Street and is identified on tax map parcel 26-F-1A.

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

### **Background:**

The Comprehensive Plan designates this area as Mixed Use. 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.

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

Site: Commercial uses, zoned B-2

- North: Nonconforming multiple-family units, zoned B-2
- East: Offices, zoned B-2
- South: Across East Bruce Street, parking lot and single family residential, zoned UR
- West: Across South Mason Street, parking lot, zoned B-1

**Key Issues:**

The applicant is requesting to rezone a +/- 6,355 square foot property from B-2, General Business District to B-1C, Central Business District Conditional. The property is located at the northeast corner of the intersection of South Mason Street and East Bruce Street.

The property has been nonconforming to off-street parking requirements for some time. When there is a change of use, the Zoning Ordinance (ZO) requires that the number of off-street parking spaces be provided on the basis of the change. This can sometimes be problematic in the B-2 district especially for smaller parcels to be able to accommodate all of the allowable uses in B-2. The applicant has been trying to find tenants to fill the space previously occupied by a professional office but has not been able find a tenant with a use that can meet off-street parking requirements. While the applicant also owns the parking lot on the property across East Bruce Street, addressed as 202 South Mason Street, and currently uses the parking lot to support the uses on the subject property, the ZO does not allow those parking spaces to be counted towards off-street parking requirements for the subject property.

Currently, there are six painted angled parking spaces and two parallel spaces (one on the south side of the building, closest to East Bruce Street, and one on the east side of the building to the rear of the parcel). The property owners have proffered the following (written verbatim):

Within 90 days of rezoning approval, the property owner shall improve and maintain the existing paved area between the parking spaces and Bruce Street as generally illustrated in Exhibit A by painting, landscaping, or delineating in a way that is deemed acceptable to the Zoning Administrator to prevent this space from being used as parking. This proffer shall remain in place so long as the site remains substantially developed as exists at the time of the rezoning.

The purpose of this proffer is to improve the safety of this space by prohibiting vehicles from parking within that area and then backing into the public street.

Along with being nonconforming to off-street parking regulations, the property is also nonconforming to parking lot landscaping requirements and the B-2 district's setback regulations. By rezoning the property to B-1C, the site would at least become conforming to minimum off-street parking requirements as well as setback regulations because the B-1 district has no minimum requirements for either of those two requirements.

As noted above, the site is designated as Mixed Use, which often times when a property is located in the downtown area, it can be associated with the B-1 zoning district. Staff has no concerns with the request and recommends approving rezoning the property from B-2 to B-1C with the submitted proffer.

**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 - 178 & 188 South Mason Street (B-2 to B-1)***

Public hearing to consider a request from Van Delay LLC & Michael L. Marston to rezone a +/- 6,355 square foot parcel from B-2, General Business District to B-1, Central Business District. The Zoning Ordinance states that 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. 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 178 and 188 South Mason Street and is identified on tax map parcel 26-F-1A.

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 request.

**Attachments:**

- 1. Extract from Planning Commission (forthcoming)
- 2. Site map
- 3. Application and supporting documents

**Review:**

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