



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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March 15, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from Edwin E. Joya to rezone a portion of 705 and 707 North Main Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON:** February 14, 2024

Vice Chair Byrd read the request and asked staff to review.

Ms. Rupkey said in 2015, City Council approved rezoning the subject property from R-2, Residential District to M-1, General Industrial District. There were no proffers associated with the 2015 rezoning. The minutes of the 2015 rezoning reflect that staff communicated that residential uses on the property would no longer be allowed once the property was rezoned to M-1.

In August 2023, Building Inspections staff observed that a deck had been constructed on the rear of the building addressed as 707 North Main Street without building permits and informed the applicant that they would have to apply for building permits. While reviewing the building permit, Zoning staff learned that the first level of the building was being used for storage while the second level of building was being used as a residence. Staff met with the applicant to discuss options for correcting the illegal residential use violation. The applicant decided to pursue rezoning a portion of the property to B-1, where residential uses are allowed by right. Note that the work without permit violation for the deck is still open and waiting for zoning violations to be resolved before the building permits can be issued.

The applicant is proposing to rezone a +/- 2,338-square foot portion of a +/- 20,300-square foot parcel from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel is addressed as 705 and 707 North Main Street and is identified as tax map parcel 40-T-8. If the rezoning request is approved, the applicant plans to convert the building addressed as 707 North Main Street into a duplex with dwellings on each level.

Note that the applicant does not intend to subdivide the property to create a new parcel, but that if the rezoning is approved, the parcel will be split-zoned with a portion zoned M-1 and a portion zoned B-1C.

Proffers

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

1. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
2. Drive-through facilities are prohibited.
3. No parking lot (including travel lanes and drive aisles) shall be located between any building and North Main Street.

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.

The Downtown 2040 Plan identifies the northern boundary of the Downtown Study Area as the intersection of West Washington Street and North Main Street. Although the subject property is outside of what is generally considered downtown, the property is located along a gateway into

downtown and is within the North Main Street Corridor Enhancement Area identified in the Comprehensive Plan. The uses and design of this corridor should be taken into consideration while fostering this transition area.

As noted above, the property is designated as Mixed Use in the Comprehensive Plan, which, among other things, is a designation that promotes “live-work” environments and traditional neighborhood development (TND). 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. Proffers #2 and #3 promote pedestrian friendly design by prohibiting drive-throughs and restricting vehicle parking areas and drive isles from being located between buildings and the public street. Note that the B-1 district has no off-street parking requirements.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a traffic impact analysis (TIA) was not required for the rezoning request.

Public Water and Sanitary Sewer

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

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D. “[This market type] has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.”

Public Schools

The student generation attributed to the proposed two residential units is estimated to be one student. Based on the School Board’s current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

Recommendation

With the proposed proffers, staff believes that the request is in conformance with the Comprehensive Plan and recommends approval of the rezoning request.

Vice Chair Byrd asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant’s representative to speak to their request.

Edwin Joya, the applicant, came forward to speak to this request. He said as you saw we are trying to rezone this property from M-1 to B-1. If you have any questions, I will be happy to answer them for you.

Vice Chair Byrd asked if there were any questions for the applicant. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Baugh said I have a question about this for staff. I was trying to pull up the zoning map here... I think this makes sense. We are in the Mixed Use area, we are going to run into things like this. I guess there is some gap between where this is and where otherwise the northern edge of B-1 is, right? Are we anticipating maybe looking favorably at B-1 rezonings up that corridor? I think that is the furthest away from the central business area that we rarely ever approve to do rezoning.

Ms. Dang said except for the one next door. Yes, in the last two months these two sites are not...there was another one, not as far away, but North Liberty Street comes to mind.

Mr. Fletcher said to maybe provide a direct response to your question, I do not know that I would affirm that we are looking to rezone properties to B-1 along this stretch and further up into North Main Street. I think we had to take them on that case-by-case basis about what is the use. Is it mixed use? What makes sense? I mean, we have other opportunities in our current zoning. Like with R-5 where you could have nonresidential on the first floor and sort of has been this mishmash of a mixed use zoning districts. Sometimes we as staff are in this middle period where we are still in the existing zoning, but our minds now are so much in the future zoning that we are working on and meeting on and talking about. We are hopeful that there will be a zoning district that will be that middle point between B-1 and something like a B-1. We definitely talk about these leap frogging of zoning district issues. We would not offer a favorable recommendation if we did think it was problematic.

Commissioner Baugh said I thought it was worth noting more than anything else. It is sort of affirming that right now, with a lot of the areas that we have said we are favorably inclined to mixed use to accomplish it with the existing Zoning Ordinance, is a little bit of a round peg in a square hole to make it work. Just sort of confirming that is what we are talking about here. If that is the case, I will go ahead and move approval of the rezoning as presented.

Vice Mayor Dent seconded the motion and said there is not a particular mixed use zoning.

Mr. Fletcher said there actually is but there are no properties that are zoned MX-U. I think it is one of those results of being a master planned community that makes it problematic sometimes. I think the MX-U district was approved in 2015. No one has taken advantage of that.

Commissioner Armstrong said what are the minimum dwellings per acre there?

Mr. Fletcher said I want to say 20 units per acre is the density and you have to have two acres.

Ms. Dang said a minimum of three acres.

Vice Mayor Dent said I hope we will make something that fits better for the Zoning Ordinance rewrite.

Vice Chair Byrd said me personally, when I am reviewing mixed use, I go we have been in favor of business and residence being in the same space, it does not work with manufacturing so I can understand the change.

Vice Chair Byrd called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Vice Chair Byrd	Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on March 26, 2024.