



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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April 5, 2021

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

SUBJECT:

Public hearing to consider a request from Bridgewater College Properties, LLC to rezone a +/- 22,075 sq. ft. parcel from R-3C, Multiple Dwelling Residential District Conditional to R-2, Residential District. The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The R-2, Residential District is intended for medium-density, single-family and duplex residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and duplex, 5,500 sq. ft./unit. The Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood. The property is addressed as 486 West Market Street and is identified as tax map parcel 35-P-22.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: March 10, 2021**

Commissioner Baugh read the following statement into the record:

The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I am prohibited by law from participating. Therefore, I make the following disclosure.

1. The transaction involved is the item taken up on the March 10, 2021 Planning Commission Agenda as Item 5(b), a request for a rezoning.
2. My personal interest in this transaction is that I presently serve as adjunct faculty at Bridgewater College, which is the applicant for this agenda item.

I affirmatively state that I will not vote or in any manner act on behalf of the Harrisonburg Planning Commission in this matter.

Chair Finnegan read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

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

- Site: Vacant building, formerly the Spitzer Fine Arts Center; zoned R-3C
- North: Single-family detached dwellings and duplexes fronting North Willow Street; zoned R-2
- East: Single-family detached dwellings fronting West Market Street; zoned R-2
- South: Across West Market Street, single-family detached dwellings and duplexes; zoned R-2
- West: Across North Willow Street, single-family detached dwellings; zoned R-2

The applicant is requesting to rezone a +/- 22,075 square foot parcel from R-3C, Multiple-Dwelling Residential District Conditional to R-2C, Residential District Conditional. The subject property was rezoned from R-2, Residential to R-3C, Multiple-Dwelling Residential Conditional in January 2004 to allow for a non-profit fine arts group to utilize the structure for organizational uses including a gallery, studios, meetings, and lecture and classroom space. As part of the 2004 rezoning request, the applicant proffered that the site would only be used for a non-profit community art center. If the requested rezoning is approved, the applicant desires to sell the property and may seek to subdivide the parcel prior to selling. The subject property is large enough that under the R-2 zoning regulations it could be subdivided for an additional single-family detached dwelling lot or to create two duplex dwelling lots.

The applicant has been informed that prior to residentially occupying the existing structure on the site, a building permit will be required to change the certificate of occupancy back to a residential use.

With the requested rezoning the applicant has proffered the following (written verbatim):

1. There shall be no driveway entrances on West Market Street; and
2. If the property is subdivided or redeveloped,

- a) The two existing driveway entrances along North Willow Street may remain if the existing 30-ft. commercial entrance is reconstructed to meet all City standards for the type of driveway entrance required for the use(s), which may result in reducing the width of the existing entrance; or
- b) The driveway entrances along North Willow Street shall be modified or removed so that there is only one shared entrance serving all parcels and uses. No new driveway entrances can be located within 50-feet of West Market Street.

For traffic safety purposes, direct property access along arterial and collector streets should be limited whenever reasonable access can be provided to a lower class (local) street. Proffer #1 accomplishes this by restricting entrances on West Market Street, which is a principal arterial street.

Currently, there are two existing driveway entrances along North Willow Street into the subject parcel; one is a +/- 15-foot Entrance, which leads directly into a garage, the second is a 30-foot commercial entrance installed when the parking lot was constructed for the arts center. Section 3.10.2.3 of the Design & Construction Standards Manual (DCSM) requires a 50-foot minimum distance between an entrance and street intersections for local streets. The two existing driveway entrances meet this requirement. Staff, however, has concern regarding the size of the existing commercial entrance with the proposed residential use and allowing additional entrances if the property is subdivided. Proffer #2 addresses staff's concern by limiting driveway entrances for the subject site to the two existing entrances along North Willow Street or combining all driveway entrances as one shared entrance for all parcels (if subdivided), reducing the size of the commercial entrance, and not permitting any driveway entrance within 50 feet of West Market Street.

The requested rezoning to R-2C is supported by the Comprehensive Plan, which designates this area as Neighborhood Residential and staff recommends approval.

Commissioner Byrd asked if the parking garage is significantly more than 50 feet or is it relatively close to 50 feet from the intersection?

Ms. Banks said that the entrance where the garage is significantly more than 50 feet from that 50-foot requirement. It was about 100 feet.

Councilmember Dent asked what will happen to the garage if they subdivide it? Would that be demolished and replaced with two separate driveways? They can do whatever they want, right?

Ms. Banks said yes. That would be up to them when they subdivide. These are conversations we can have should they decide to subdivide.

Chair Finnegan said that there are several houses in his neighborhood with shared driveways. That is the most land-efficient use of a driveway. That is really up to the applicant.

Chair Finnegan 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.

Anne Keeler, Vice President for Finance at Bridgewater College, spoke in support of the request. I appreciate all the work and assistance from staff. We are in receipt of this property as a gift. It is our policy and practice to sell such property for the benefit of the college. In order to do that, we are requesting this rezoning so that it can be sold for a purpose applicable to that neighborhood.

Chair Finnegan asked if there are any questions for the applicant's representative. Hearing none, he invited the public to call. As there were no callers, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that he is in favor of the request. This may or not be related to COVID. This week marks one year that we have been dealing with the pandemic. Public gathering places have been shut down. Offices have been shut down. I think that the art gallery is a sad loss. It is a place that I have enjoyed visiting several times. We may be seeing more requests like this, time will tell, where places that are non-residential being turned into residential places as a result of COVID or the business decisions that get made about office space rent after this pandemic is over. This is one such request and I am in support of this request. There is a gravel parking lot back there that could be turned into housing. I hope that is what happens to it.

Councilmember Dent said that she seconds that sadness at the closure of the Spitzer Art Gallery. I agree with the observation that it could be a trend. It is a good adaptation of the situation. I would be in favor of it as well.

Commissioner Byrd said that this is a request to bring this piece of property back into the zoning of the surrounding area as opposed to be different from the surrounding area. If it is unable to be occupied by a non-profit, then it would be better for there to be more housing available to residents of the City in that location. I would be in favor of this type of request.

Commissioner Orndoff moved to recommend approval of the rezoning request.

Commissioner Whitten seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Hull	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Commissioner Baugh	Abstain
Commissioner Byrd	Aye
Councilmember Dent	Aye
Chair Finnegan	Aye

The motion to recommend approval of the request to rezone a parcel addressed as 486 West Market Street passed, with Commissioner Baugh abstaining (6-0). The recommendation will move forward to City Council on April 13, 2021.