



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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May 3, 2021

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

SUBJECT:

Consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee to rezone 907 North Main Street

Consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee for a special use permit to allow retail, convenience shops, personal service establishments, restaurants, and business and professional offices at 907 North Main Street

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: April 14, 2021**

Chair Finnegan read the requests and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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: Vacant parcel, zoned B-2
- North: Parcel containing mixed use building of commercial space and three nonconforming multi-family dwellings, zoned B-2 and B-2C
- East: Across North Main Street, vacant parcel and convenience store, zoned B-2
- South: Across Ashby Avenue, residential dwelling, zoned B-2C
- West: Automotive repair business, zoned B-2 and B-2C

The applicant is requesting to rezone a +/- 17,206 square foot property from B-2, General Business District to R-5C, High Density Residential District Conditional. Simultaneously, the applicant is requesting a special use permit (SUP) per Section 10-3-55.4(4) of the Zoning Ordinance to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices. The property is located on the northwest corner of the intersection of North Main Street with Ashby Avenue. If both requests are approved, the applicant desires to construct a mixed use development containing non-residential and residential uses.

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

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
2. Townhouse and multi-family dwelling units shall provide 1.5 parking spaces per unit.
3. All traffic generating uses from the site will be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage, number of dwellings, or other unit of measure as calculated using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted, the development does not require as much parking as would have been required under the standard R-5 district. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they have conditioned in proffer #2 that a minimum of 1.5 parking spaces per dwelling unit will be provided. The applicant understands that parking and parking lot landscaping requirements, among other elements, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

Given that the applicant is uncertain about the details of future nonresidential uses on the site and that the applicant desired to not complete a traffic impact analysis (TIA) at this time, proffer #3 addresses staff's concerns about traffic generation to and from the development. This proffer limits future uses on the site to no more than 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 Engineers' Trip Generation Manual. This is the threshold the City uses to require a traffic impact analysis (TIA) for planned developments associated with rezonings, special use permits, preliminary plats, and engineered comprehensive site plans. Should the property owner ever desire to put a combination of uses on the site that increases the calculated vehicle trips in the peak hour above 100 vehicle trips, then the property owner must amend or remove proffer #3 through the rezoning process and a TIA may need to be provided at that time.

As noted above, the Comprehensive Plan's Future Land Use Guide designates this property as Mixed Use. The Comprehensive Plan describes that these areas 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. The conceptual site layout for the subject property illustrates one mixed use building massed close to the public street, with off-street parking to the rear of the building and an entrance to the site provided along Ashby Avenue. However, the submitted conceptual site layout is not proffered and the applicant could construct the residential units within one building with a separate non-residential building or could subdivide and create townhome parcels with a separate parcel for a non-residential building. The relatively small size of this parcel, parking requirements, and proffer #3 will dictate the number of residential units and non-residential uses that can ultimately be constructed on the site.

From a design and site layout perspective, staff believes massing buildings closer to the public street with off-street parking relegated behind buildings, as provided in the conceptual layout, promotes a more pedestrian friendly development. By placing building(s) closer to the street it concentrates people and places along the public street and creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes, especially for areas designated Mixed Use by the Comprehensive Plan's Land Use Guide. Staff discussed with the applicant the idea of prohibiting parking between any buildings on the site and North Main Street, which could be done with an additional proffer. The applicant states that the relatively small size of the parcel and where the City would allow entrances limits and controls the location of parking for the site and therefore, they do not wish to proffer building or parking locations for the site. It should be acknowledged that this development proposal could change or that additional land could be purchased to increase the size of a development and possibly change the limits or controls described by the applicant.

Currently there is sidewalk along this section of North Main Street in front of the subject property and, if developed, the applicant will be required to construct sidewalk along Ashby Avenue to tie into the existing sidewalk. This will provide pedestrian access for residents and visitors to the development.

The requested rezoning to R-5C and the SUP for retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional

offices is supported by the Comprehensive Plan's Mixed Use designation for this area. Additionally, the property is currently zoned B-2 which allows for the uses in the SUP request. Staff believes that the SUP requested is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area.

Staff recommends approval of both the rezoning and SUP request.

Chair Finnegan asked if there any questions for staff.

Commissioner Whitten said that the potential convenience stores would not have gas pumps associated with them, correct?

Ms. Banks said correct.

Commissioner Whitten asked if it could be four stories.

Ms. Banks said that with this conceptual layout they are considering two stories.

Commissioner Whitten said that it could be four.

Ms. Banks said that in the R-5 district it could be four.

Chair Finnegan said that he was trying to understand what was being proffered in proffer #3.

All traffic generating uses from the site will be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage, number of dwellings, or other unit of measure as calculated using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual.

He asked how they limit the combined trips.

Ms. Banks said that they would have to limit the size. If they put an office or a small convenience store in, they will have to limit the size. They will have to provide, during the comprehensive site plan review, the square footage of the use to verify that they are not exceeding 100 vehicle trips during the peak hour when you combine the residential trips with the non-residential trips.

Chair Finnegan said that it has to do with the square footage of the commercial space as well as the number of the dwelling units. Correct?

Ms. Banks said yes. When they combine the two together, they cannot have more than 100 vehicles in the peak hour.

Ms. Dang added that the ITE Trip Generation Handbook has surveys and studies for different types of uses. Based on the square footage and number of dwellings there is a projected or estimated

number of trips that could be generated. In practice, what we would do is that when an engineered comprehensive site plan is submitted, or in the future when building permits for additions or changes of use within the structure are submitted to our office, our zoning staff would see this proffer and ask for the Public Works Department's assistance in determining whether the new proposed uses generate or exceed 100 vehicle trips in the peak hour based on the ITE Trip Generation Handbook.

Councilmember Dent said that she visited the site. I noticed on this map that it was the same names as the auto shop, so I stopped in and introduced myself. He explained more about what he is intending. It sounds like mixed use is what the City is looking for, so thank you. He said that he would call in.

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.

Farhad Koyee, owner of 907 North Main Street, called in support of his request. I am trying to have a mix of residential and commercial on that property. The plan is to have a two-story building with some apartments, some retail and probably some offices. I can take questions.

Councilwoman Dent asked for more information regarding the apartments.

Mr. Koyee said that he is trying to put in some studios for affordable housing. I would put in some two or three bedroom apartments. If I put in some studios, it will be helpful for the City. It is close to downtown. The studios would be more affordable for people. It would be 10 to 15 studios and some retail on the first floor.

Councilwoman Dent said that the idea of studio apartments is interesting because we need small single apartments in the City.

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

Chair Finnegan said that, as Councilmember Dent mentioned, when you read the Housing Study that was done in Harrisonburg, there is a clear identification for one-bedroom and studio apartments. There is a shortage of these in Harrisonburg. I am in favor of seeing more of these one-bedroom and studio apartments being built. There is a clear need for it and that is right along the bus line on Main Street. It is a good place to walk and bike and to get public transit. This is a good location for it.

Commissioner Whitten made a motion to recommend approval of the rezoning request.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Byrd	Aye
Commissioner Baugh	Aye, via chat
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on May 11, 2021.

Commissioner Orndoff made a motion to recommend approval of the special use permit request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Councilmember Dent	Aye
Commissioner Whitten	Aye
Commissioner Byrd	Aye
Commissioner Orndoff	Aye
Commissioner Baugh	Aye, via chat
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (6-0). The recommendation will move forward to City Council on May 11, 2021.