



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

409 South Main Street

Harrisonburg, Virginia 22801

Website: <http://www.harrisonburgcommdev.com/>

Telephone: (540) 432-7700 Fax: (540) 432-7777

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

**SUBJECT:** Public hearing to consider a request from Northside, LLC and Joseph and Linda Moore with representative Balzer & Associates, Inc. to rezone 6.69 +/- acres of property from R-2, Residential District to B-2C, General Business District Conditional. The subject property is made up from 7 parcels and portions of 6 parcels and portions of the existing public street right-of-way of Wilson Avenue and Boulevard Avenue. The applicants are in the process to close and purchase the necessary portions of Wilson and Boulevard Avenues. The properties are addressed as 1411 North Main Street, 36, 44, 75, & 81 Wilson Avenue, and 25, 35, 45, 55, & 65 Mt. Clinton Pike. The properties are identified as tax map parcels 42-B-8B, 8C, 32, 33, 34, 35, & 35A, portions of tax map parcels 42-B-8, 8A, 9, 9A, & 36 and 44-A-31, along with portions of Wilson Avenue and Boulevard Avenue found on tax map sheets 42 and 44.

### **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: June 11, 2014**

Chair Fitzgerald read the request and asked staff to review.

(Power was out for approximately two minutes.)

Mr. Fletcher said the Comprehensive Plan designates the majority of this area as General Industrial with small portions designated as Commercial. The General Industrial designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities. The Commercial designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District of the City

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

- Site:** Single Family homes, undeveloped lots, and portions of developed Wilson Avenue, and undeveloped Wilson Avenue and Boulevard Avenue, zoned R-2
- North:** Undeveloped parcels, zoned R-2, and across Mt. Clinton Pike, technology industrial park uses and undeveloped lots, zoned M-1 with the Technology Overlay
- East:** Undeveloped parcels, zoned R-2 and M-1, and across Mt. Clinton Pike parcels containing Harrisonburg Motor Express, zoned M-1
- South:** Single family homes, zoned R-2, and across North Main Street, industrial uses, zoned M-1

West: Single family home lot, zoned R-2, and property owned by GSW Investors with operations of Rockingham Construction and Special Fleet Service, Inc.

The applicants are requesting to rezone 6.69 +/- acres of property made up from seven parcels, portions of five other parcels, and a majority of the sections of Wilson Avenue and Boulevard Avenue that they requested for closure last month, all from R-2, Residential District to B-2C, General Business District Conditional. (As a reminder, the street closing request was recommended for approval by staff and also supported by Planning Commission with a 6-0 vote on May 14<sup>th</sup>. The public hearing for the street closing is scheduled at City Council on June 10<sup>th</sup>.) Along with this rezoning, the applicants are also requesting preliminarily plat approval for the subject property, the details of which are explained in a separate staff report. The street right-of-way (ROW) closure, the preliminary plat, and the rezoning are all steps initiated by the applicants so that they may sell the property to an interested commercial developer to build a grocery store.

The applicants' engineer submitted three layout sheets to demonstrate different details of the request. Sheet 1 illustrates the conceptual layout for the grocery store, Sheet EX-3 demonstrates the exact area of the applicants' property they are requesting be rezoned, and Exhibit A illustrates locations of cross access easements that would be provided for some of the neighboring properties.

In this rezoning, the applicants have proffered the following:

1. Cross access easements with adjoining properties shall be provided as generally shown on Exhibit A. The access road from North Main Street shall be a private road and the access road from Mt. Clinton Pike shall be a public street.
2. The following uses shall be prohibited on this property.
  - a. Vehicle, recreation equipment, or trailer sales served by a permanent building facility unless clearly incidental to an existing building. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
  - b. Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.
  - c. Tractor Trailer fueling stations selling diesel shall be prohibited on this property.
3. A shared use path will be constructed along Mt. Clinton Pike across tax map parcel 44-A-30 to the western property line of tax map parcel 42-B-11 (Northside, LLC). Adequate right-of-way will be dedicated, or easements provided, to accommodate the shared use path including two-feet beyond the width of the path. The path will be constructed in accordance with the AASHTO standards current at the time that the design of the facilities was performed. The shared use path will consist of a 10-foot wide asphalt surface with a 5-foot wide grass strip between the path and adjacent back of curb.
4. A left turn lane with 150 feet of storage and 100 foot taper turning into the new public road extension of Technology Drive along with a left turn lane of 100 feet and 100 foot taper turning into Technology Drive will be constructed on Mt. Clinton Pike.

5. A signal design will be provided for the intersection of Mt. Clinton Pike and Technology Drive and the developer will install all necessary conduits and all junction boxes during the road construction.
6. The extension of Technology Drive will be constructed from Mt. Clinton Pike to the existing boundary line of the remaining right-of-way portion of Wilson Avenue.
7. For any required sidewalk and curb and gutter construction along public streets, the stormwater will be managed with the proposed development.

Take note that the conceptual grocery store layout as shown on Sheet 1 is not proffered. However, Sheet 1 generally depicts the proffered street improvements that would be made along Mt. Clinton Pike and North Main Street.

The submitted rezoning request triggered the need for the applicant to perform a traffic impact analysis (TIA), which has already been reviewed. It should be understood that, along with other types of development applications, the Zoning Ordinance may require applicants of rezonings to perform a TIA if the rezoned property could generate 100 vehicle trips in the peak hour. When TIAs are required at the rezoning phase, they must be submitted and reviewed by the City before the rezoning application is accepted. Rarely are applicants required to perform a TIA at the time of rezoning because applicants often proffer the uses or other specifics of a project so that the TIA threshold is not triggered. As noted, for this request the threshold was triggered and the applicants had to complete a TIA.

After completing the TIA, the Department of Public Works, the Virginia Department of Transportation (VDOT), and the applicants' engineer determined that a depth of about 30 feet of public street ROW dedication would be needed along the subject property's entire Mt. Clinton Pike street frontage to accommodate the public street improvements required by the planned commercial development. VDOT was involved in the TIA review because the site is located within 3,000 feet of a State maintained road. Such a TIA is generally known as a Chapter 527 review, which is required by State Code. The required street improvements are proffered details as listed above. The needed ROW dedication is also demonstrated on the subject property's submitted preliminary plat.

The majority of the subject property is designated General Industrial by the Comprehensive Plan's Land Use Guide. However, small portions of the property are designated Commercial. The areas designated Commercial are the parts of the existing parcels adjacent to Wilson Avenue—along the sides of the conceptual plan's private road that extends from North Main Street to the planned development area. The subject property is bordered by more land designated General Industrial along a portion of its western boundary. Property across Mt. Clinton Pike is also designated General Industrial. However, aside from a small adjacent area at the corner of North Main Street and Mt. Clinton Pike, the subject property is bordered on the east, south and a portion of its western boundary by land designated as Commercial. The Commercial designation was placed on lots fronting North Main Street. Except the very corner parcel (tax map 42-B-11) and the two properties where the Community Services Board operates, all properties having frontage along North Main Street are designated as Commercial. This commercially designated corridor stretches south to North Main Street's intersection with Washington Street, where the Comprehensive Plan's Land Use Guide changes to Mixed Use Development Areas—a Land Use Guide designation often associated with B-1 zoning.

Although the property is primarily designated for General Industrial use it is in an area of transition between General Industrial and Commercial use. In fact, the Comprehensive Plan land use guide uses one of the western boundaries of the subject property as the split between future General Industrial and Commercial use. Another factor in staff's favorable recommendation is transportation and how traffic

should efficiently and effectively move through this area and the North Main Street/Mt. Clinton Pike intersection. Although the City desires to have commercial properties fronting North Main Street, entrances to such properties should be located as far from the North Main Street/ Mt. Clinton Pike intersection as reasonably possible. The proposed rezoning provides an opportunity to minimize entrances close to this intersection by providing access easements to the lots located closest to the corner. The associated subdivision and street closures also include the extension of Technology Drive, providing the opportunity for connectivity with Mount Clinton Pike to undeveloped land north and west of the rezoning.

Taking into consideration that the Comprehensive Plan designates much of the adjacent land for commercial use and also given the larger transportation/traffic picture, staff feels it is appropriate to recommend approval of this rezoning.

Although recommending in favor of the requested rezoning, staff does not believe this sets a precedent to look favorably upon further B-2 rezoning requests along the Mt. Clinton Pike corridor. At this time, staff believes the appropriate limit to the B-2 zoning district is at the planned extension of Technology Drive.

Chair Fitzgerald asked if there were any questions for staff.

Dr. Dilts said regarding the intersection at North Main Street, is there any current plan to put any type of turn lanes into what is now Wilson Avenue?

Mr. Fletcher said there is currently a center turn lane in Main Street. The transition area for the left turn at the traffic light begins shortly after the Wilson Avenue intersection.

Mr. Reed said there is a center turn lane in North Main Street that begins at Charles Street. After the intersection of Wilson Avenue and North Main Street the center turn lane becomes the left turn lane for the traffic light at Mt. Clinton Pike. We actually did have the applicant review the impact of the business across North Main Street from the site; but it was found to be very low traffic impact on the business and the peak traffic hours would be different.

Mr. Da'Mes said in reviewing our Comprehensive Plan, which we do every five years, I recall the discussion of wanting to maintain at least 37% of R-1 land within the City. Is there the same idea of maintaining a certain percentage of industrial zoned land within the City?

Mr. Fletcher replied when this plan of development began its discussion with City staff there were other proposed developments going on in this corridor as well. We had a couple of meetings with the Economic Development Director and he said that if M-1 property is potentially up for a rezoning he takes note of it. When we ultimately told him we were supporting this particular rezoning he did not have any negative feelings towards that issue for this property.

Mr. Baugh said I believe the figure Mr. Da'Mes is talking about (37%) is rental versus owner occupied residential property in the City. It is a calculation that does not generally translate to other zoning classifications.

Mr. Da'Mes said the point being if we rezone this M-1 and an industry wants to locate to Harrisonburg what are the opportunities that we can present? Are we allowing for sufficient M-1 area?

Mr. Fletcher yes, the Economic Development Director is on board with this.

Mr. Baugh said actually the City does have a reserve of undeveloped industrial property. We do not really have much reserve of undeveloped commercial property, other than some infill around the mall area.

Dr. Dilts said we know the area of this development is going to be raised and that there are new State stormwater guidelines that come into effect on July 1<sup>st</sup>. How do you remediate something like that; it is a large area of land that you are going to fill and raise up? What affect will it have on stormwater management?

Mr. Fletcher said perhaps we can ask the applicant's engineer to answer that question.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant or their representative if they would like to speak.

Ray Burkholder said he is with Balzer and Associates, the engineering firm that is working with the applicant on this request. With me tonight is H McNeish with MVG Development. Would you like me to start with stormwater?

Dr. Dilts said yes, as it is associated to the rising land.

Mr. Burkholder said the grade elevation will not have any impact on the stormwater; there will still be runoff if the land is lowered or elevated. We are not increasing the slope; we are actually flattening the area and leaving the back portion lower so that we can maintain some storm water detention areas there. Regardless of the new regulations that are coming in July, the City Code is actually more stringent than the State regulations. For all purposes we are actually choking back the stormwater significantly in order to hold water back to pre-developed conditions; back to more forest like conditions. We have been working with Public Works and the City Engineer and they have raised some concerns about stormwater conditions down the block, which is one reason we are held to the higher standard with stormwater management. We are doing a combination of detention above-ground and under-ground systems; it is a pretty elaborate system.

Dr. Dilts said it seems very complex because once you start building on the site you lose porosity of the ground, so you have at least three different things you are looking at there.

Mr. Burkholder agreed and said along with having to look at the water quality.

Mr. H McNeish said he is with MGV Development and we are the developers who have the property under contract and are the reason for the request before you tonight. MVG Development is out of Denver Colorado, but we also have an office in Roanoke. I would like to take a brief moment to thank staff for their professional and diligent effort in working with us during this process. We are also appreciative of staff's recommendation of approval for the request based on the merits of both the Comprehensive Plan and the traffic access management components as indicated in the staff report. All of this of course is important to your decision making this evening. The site provides a tremendous opportunity from a retail stand point and this proffered modification that we are requesting will allow us to advance our project design for a new grocery store in this location. Regarding our tenant, I must be clear that I am bound by a non-disclosure agreement that prohibits me from naming the tenant at this time. What I ask is for your understanding and respect for this confidentially need and that you do judge this rezoning request on its merits, as well as its ability to meet the code and the other applicable criteria. What I can share with you is that our tenant is excited about this location and this community. They look forward to the opportunity to bring fresh groceries, household goods, pharmacy, and the convenience of fuel in one stop. In addition to generating jobs, both construction and upwards of 95 full time employees at the grocery store, we are excited to be here and to become part of the community. I am available to answer your questions and we are prepared to do so in order to gain your support for this request this evening.

Chair Fitzgerald asked if there are any questions for the applicant or their engineer. Hearing none, she said we feel as if we know this site very well because we have been there a number of times. Is there anyone else wishing to speak in favor of the request? Hearing none, she asked if there was anyone wishing to speak in opposition of the request. Hearing none, she closed the public hearing and asked for further questions or a motion on the request.

Mr. Colman moved to recommend approval of the rezoning request as presented.

Dr. Dilts seconded the motion.

Chair Fitzgerald asked if there was any further discussion.

Mr. Way said the point about maintaining available industrial land is an important one and the fact that it is recognized that Technology Drive is like the “final frontier” for commercial seems an important note. Also, what Mr. Baugh said about the commercial land being less available than industrial is a good point as well. This seems to balance both these concerns.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (7-0) of the motion to recommend approval of the rezoning request as presented.

Chair Fitzgerald said this goes to City Council on July 8<sup>th</sup> with a favorable recommendation.

Respectfully Submitted,

Alison Banks  
Planner