



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission  
Date: April 24, 2018  
Re: Zoning Ordinance Amendment Section 10-3-91 (2) and a Special Use Permit Per Section 10-3-91 (2) to allow Warehousing and Storage

### **Summary:**

Public hearings to consider the following two requests:

1. A request from Amerco Real Estate Company with representative Dominion Engineering to amend the Zoning Ordinance Section 10-3-91 (2) of the B-2, General Business District. Section 10-3-91 lists all available uses that may be permitted by special use permit and is titled “Uses permitted by Special Use Permit.” Subsection (2) currently lists the following allowable special uses: “Warehousing and other storage facilities, greater than twenty thousand (20,000) square feet, continuous to a permitted use.” The amendment would remove the sizing details and the requirements that the storage be associated with a continuous use permitted in the district. If approved, subsection (2) would list the following as the available special uses: “Warehousing and other storage facilities.”
2. A request from Bill Neff with property representative Dominion Engineering for a special use permit per Section 10-3-91 (2) of the B-2, General Business District to allow for warehousing and other storage facilities. The 9.83 +/- acre property is addressed as 145 East Kaylor Park Drive and is identified as tax map parcel 103-A-5. The special use permit that is being applied for is also the same section of the Zoning Ordinance that is proposed for modification in a separate application.

### **Background:**

With regard to the Zoning Ordinance (ZO) amendment within the B-2 district, the uses listed within Section 10-3-91 (2) allowing “[w]arehousing and other storage facilities, greater than twenty thousand (20,000) square feet, continuous [*sic*] to permitted uses” has been part of the ZO as a SUP since 1996. (Note: As used in the ordinance, the word “continuous” should be “contiguous.”) This is the year the City adopted its most recent comprehensive re-write of the ZO and was the same time that the City created all SUP uses. This SUP created the opportunity, on a case by case basis, to have larger warehousing and storage operations associated with contiguous permitted uses in the B-2 district, where such warehousing and storage was permitted by right up to 20,000 square feet in area. The first reference to allowing the by right warehousing and storage abilities shows up in the 1987 ZO. The currently described purpose of the B-2 district remains the same as it was in 1987.

Regarding the specifics of the subject site for the requested SUP, the Comprehensive Plan designates this area as Commercial. This 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.

The parcel was annexed into the City during the 1983 annexation and aside from filling and grading that has occurred on the property over the years, the site has been undeveloped. Currently, the parcel's only City public street frontage is along the terminus of the undeveloped portion of the East Kaylor Park Drive public street right-of-way. East Kaylor Park Drive was dedicated to the City in 2002 subsequent to receiving a Subdivision Ordinance variance to deviate from requirements of the Design and Construction Standards Manual (DCSM) associated with radius requirements at the street's intersection with South Main Street.

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

- Site: Undeveloped land, zoned B-2
- North: Commercial use (Motel 6), zoned B-2
- East: Undeveloped property owned by JMU, zoned R-5C
- South: Across Interstate 81, industrial uses (Walker Tenneco), zoned M-1
- West: Commercial uses, fronting Pleasant Valley Road, zoned B-2

**Key Issues:**

Dominion Engineering is representing two applicants for two, separate but simultaneous requests to amend the ZO within Section 10-3-91 (2) while applying for the SUP in which is proposed for modification. The ZO amendment applicant is Amerco Real Estate Company (the parent company of U-Haul) and the SUP applicant is the subject site's property owner, Bill Neff. The site is a 9.83 +/- acre site located at the end of the undeveloped portion of the East Kaylor Park Drive public street right-of-way and adjacent to Interstate 81 (I-81). If both requests are approved, the planned use of the site is to construct a 96,000 +/- square foot U-Haul Moving and Storage Store consisting of self-storage, U-Haul truck and trailer share, and related retail sales.

Regarding the ZO amendment, the applicant has proposed to eliminate the limitations of requiring all warehousing and storage facilities to be associated with contiguous and permitted uses in the B-2 district. The specifics of the text to be removed within Section 10-3-91 (2) is shown below:

- (2) Warehousing and other storage facilities, ~~greater than twenty thousand (20,000) square feet, continuous to permitted uses.~~

If approved, B-2 property owners would be able to apply for a SUP to allow for full-scale warehousing and storage facility operations, where such buildings and structures would not be limited to only warehousing and storing products associated with a contiguous use that is permitted in the B-2 district. Essentially, by approval of a SUP, a property owner could warehouse and store products within buildings as is permitted by right in the M-1, General Industrial District.

Given that the intent of the B-2 district has remained the same for more than 30 years, it is highly likely that the original by right allowance with limitations to warehouse and store products in the B-2 district was intended to control the character and intent of the district so that it would not become overburdened with extensive warehousing. As noted in the Background section above, when the City created the existing SUP in 1996, flexibility was offered to B-2 property owners to have larger operations on a case-by-case basis, but still limiting the products to those associated with contiguous uses permitted in the district.

SUP review processes have been in place now for almost 22 years, where the review criteria for SUPs per Section 10-3-125 (b) includes:

- (1) “The proposed use shall be consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.
- (2) The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection, and public water and sewer facilities.
- (3) The proposed use all [*sic*] be designated, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.” (Note: As used in the ordinance, the word “all” should be “shall.”)

The review criteria noted above coupled with City Council’s authority in the ZO per Section 10-3-126 to “impose such conditions [on the special use] as it believes necessary to accomplish the objectives of” the ZO and with the established thorough staff and Planning Commission review processes, staff is able to support the proposed amendment. In particular, staff will rely on recommending appropriate conditions on any warehousing and storage facility SUP request to help curtail any adverse impacts that such a use could have on the surrounding properties.

Concurrently with the ZO amendment as discussed above, the applicants are also applying for the amended SUP with the intent to develop the 9.83 +/- acre site for a warehousing and storage facility. Specifically, the U-Haul company is wanting to construct a U-Haul Moving and Storage Store that typically includes a self-storage area, a U-Haul truck and trailer rental display area, related retail sales, and an area specifically devoted to private recreational vehicle (RV) storage. The RV storage spaces are typically under a canopy-like structure. Note that the only component of the planned U-Haul operations that is in need of the SUP is the planned self-storage area.

It should be understood that the site layout submitted with the application is for conceptual purposes only (note that parking lot landscaping requirements were not illustrated accurately). If the SUP is approved, the development of the site would not be bound to the layout provided, but as is the case with all sites, the project must comply with all zoning, sign, DCSM, and other land development ordinances and regulations. This includes but is not limited to the Harrisonburg Rockingham Regional Sewer Authority (HRRSA) design standards as there is a significant HRRSA sewer line that bisects the property. (During the review of the application, staff provided many “heads-up” issues to Dominion Engineering associated with matters relative to the engineered comprehensive site plan in anticipation that the SUP could be approved.)

Noteworthy issues that should be known when developing this site, whether the use is allowed by right or only by approval of a SUP, include matters associated with constructing the remaining portions of East Kaylor Park Drive, advertising signage, and obligations related to the planned continuation of the Bluestone Trail. First, prior to being able to operate any use on the subject site, the developer would be required to construct, and the City accept, the remaining portions of East Kaylor Park Drive. This matter is further emphasized in the review criteria identified above within Section 10-3-125 (b) (2), which states that “the proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection, and public water and sewer facilities.” Because of this specific review criteria, and to be clear about the obligations to develop on this site, staff is suggesting a condition be

placed on the SUP that East Kaylor Park Drive must be completely constructed and accepted by the City prior to issuance of any Certificate of Occupancy.

Secondly, there is an existing advertising billboard sign that is located on the southwestern end of the subject property. This billboard sign appears to straddle the property line with the adjacent Motel 6 property (tax map parcel 103-A-10), where most of the sign appears to be located on the subject site. Unless the U-Haul company does not want to install a freestanding sign and does not want to utilize all their available advertising sign square footage, they will need to work out some type of arrangement with whoever is responsible for the billboard sign to either remove the sign or perform some kind of property line adjustment with the Motel 6 property so that the billboard is located entirely on the Motel 6 parcel. The reason being is that this billboard advertising square footage counts against the property's advertising allotment and the number of freestanding signs allowed on the site. Because the billboard sign is considered a freestanding sign, and since the site has only one public street frontage, which is along East Kaylor Park Drive (note that I-81 frontage has no relevancy to the City's Sign Ordinance), the site is only permitted to have one freestanding sign. Because the billboard sign is non-conforming, and depending upon the circumstances of the amount of sign square footage that the Motel 6 property has utilized, the subdivision option may not be a solution. It could be that the result is that the billboard sign might have to be removed. Furthermore, the applicant should understand that no freestanding signage will be permitted off-site near East Kaylor Park Drive's intersection with South Main Street.

Lastly, regarding the Bluestone Trail, the City's Bicycle and Pedestrian Plan demonstrates and plans for the trail to extend across the subject property parallel with I-81. As required by the DCSM Section 3.4.1.1 "[w]here a shared use path bisects a property as indicated in any City-adopted plans, the applicant-owner shall create a public access easement maintaining connectivity with adjoining properties in order to facilitate planning for and construction of shared use path facilities."

After thorough review of the request, staff believes the use will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. Although the Comprehensive Plan's Land Use Guide designates the site as Commercial, given that the site does not have frontage directly on South Main Street, which is planned for uses more related to retail, office, wholesale, or service functions, and due to the site's location along I-81 and its vicinity near the interstate off-ramp, staff supports approval of the request with the following conditions:

1. Any warehousing or storage facility developed on site shall be substantially the same as the proposed U-Haul Moving and Storage Store as presented in the application. (Note: This condition does not bind them to the hours of operation noted within the application materials.)
2. East Kaylor Park Drive must be completely constructed and accepted by the City prior to issuance of any Certificate of Occupancy.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with the following conditions:
  - 1. Any warehousing or storage facility developed on site shall be substantially the same as the proposed U-Haul Moving and Storage Store as presented in the application. (Note: This condition does not bind them to the hours of operation noted within the application materials.)
  - 2. East Kaylor Park Drive must be completely constructed and accepted by the City prior to issuance of any Certificate of Occupancy.
- (c) Approve the special use permit request with other conditions;
- (d) Deny the special use permit request.

**Community Engagement:**

As required, the requests were published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing for the Zoning Ordinance amendment and the special use permit. The advertisements were published as shown below:

*Zoning Ordinance Amendment – Section 10-3-91(2), Uses permitted only by Special Use Permit, to allow Warehousing and Other Storage Facilities with No Sizing Details or Associations to a Continuous Use Permitted in the District.*

Public hearing to consider a request from Amerco Real Estate Company with representative Dominion Engineering to amend the Zoning Ordinance Section 10-3-91(2) of the B-2, General Business District. Section 10-3-91 lists all available uses that may be permitted by special use permit and is titled “Uses permitted by Special Use Permit.” Subsection (2) currently lists the following allowable special uses: “Warehousing and other storage facilities, greater than twenty thousand (20,000) square feet, continuous to a permitted use.” The amendment would remove the sizing details and the requirements that the storage be associated with a continuous use permitted in the district. If approved, subsection (2) would list the following as the available special uses: “Warehousing and other storage facilities.”

*Special Use Permit – 145 East Kaylor Park Drive (Section 10-3-91(2) to Allow Warehousing and Other Storage Facilities)*

Public hearing to consider a request from Bill Neff with property representative Dominion Engineering for a special use permit per Section 10-3-91(2) of the B-2, General Business District to allow for warehousing and other storage facilities. The 9.83 +/- acre property is addressed as 145 East Kaylor Park Drive and is identified as tax map parcel 103-A-5. The special use permit that is being applied for is also the same section of the Zoning Ordinance that is proposed for modification in a separate application.

In addition, adjoining property owners were notified of the special use permit public hearing and the property was posted with signage advertising the request. Notices about both public hearings was also provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (b) to approve the SUP with the two identified conditions.

**Attachments:**

1. Extract (9 pages)
2. Application and applicant letter (3 pages)
3. Proposed Zoning Ordinance Amendment (2 pages)
4. Site maps (2 pages)
5. Application, applicant letter, and supporting documents (10 Pages)

**Review:**

Planning Commission recommended to approve (7-0) the Zoning Ordinance Amendment – Section 10-3-91 (2), Uses permitted only by Special Use Permit, to allow Warehousing and Other Storage Facilities with No Sizing Details or Associations to a Continuous Use Permitted in the District as presented by staff.

Planning Commission recommended to approve (7-0) the special use permit with conditions at 145 East Kaylor Park Drive (Section 10-3-91 (2) to Allow Warehousing and Other Storage Facilities) as presented by staff.