



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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April 1, 2024

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

SUBJECT: Consider, per City Code Section 10-1-6, whether the proposed Fire Station #5 public facility site at 450 Mt. Clinton Pike is in substantial accord with the Comprehensive Plan

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: March 13, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the City of Harrisonburg is under contract to purchase 450 Mount Clinton Pike, which is an undeveloped +/- 15.23-acre property, with plans to construct a new fire station to improve service and reduce response times within the community.

City Code Section 10-1-6 stipulates that “if a public facility subject to Section 15.2-2232 of the Code of Virginia is not already shown on the comprehensive plan, the planning commission shall determine whether the location, character and extent of such public facility is in substantial accord with the comprehensive plan as provided by Section 15.2-2232 of the Code of Virginia and the terms and conditions set forth therein, and may be amended from time to time.”

The Code of Virginia Section 15.2-2232 states, among other things, that when a locality has adopted a comprehensive plan, “it shall control the general or approximate location, character and extent of each feature shown on the plan.” Public buildings or public structures, among others, are listed by the Code as features that unless are already shown on the plan “shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.” A copy of Section 15.2-2232 is attached.

In 2022, City Council voted to invest American Rescue Plan Act (ARPA) funds into the creation of Fire Station #5, and in November 2023, City Council approved the purchase of 450 Mount Clinton Pike for Fire Station #5. The City is expected close on the property soon. Information about this project is available on the City website at: <https://www.harrisonburgva.gov/hfd-station-5>.

The Comprehensive Plan designates this site as Industrial and states:

These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

The property is zoned M-1, General Industrial District and conforms with the Comprehensive Plan's Industrial designation. The M-1 district allows "public uses" by right and a City fire station is classified as a public use and thus is allowed by right.

The City has been planning to provide a fifth fire station for quite some time and it has been included in the Capital Improvement Program for a number of years. Within the Comprehensive Plan, Chapter 13 – Community Infrastructure, Services, Safety and Health, the need for a fifth fire station to be located within the Park View area of the City to assist in reducing response times (see page 13-15). Specifically, the new fire station works towards achieving Comprehensive Plan Objective 15.2, which is:

To provide a well prepared first response force that is capable of response and mitigation as an all hazards organization.

Recommendation

Staff finds the proposed fire station's general location, character, and extent thereof is in substantial accord with the Comprehensive Plan and recommends the Commission communicate the same findings to City Council.

Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing and 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.

Chair Finnegan said this plan here with the new street, do we know what is planned for that new street?

Ms. Dang said that is just a conceptual street to serve the site. In fact, we have had some...does the Comprehensive Plan show a connection?

Mr. Fletcher said the Comprehensive Plan, the Master Street Improvement Plan shows a connection from Mount Clinton Pike to Acorn Drive but it is not specifically over this parcel. It is actually to the east of this property. Basically, what we are trying to demonstrate in the Street Improvement Plan is we would like to have a connection in that general area. If you were actually to go and find the location on the map where that line is, you are kind of going through parcels that are developed at this point. This street is laid out in a way, conceptually, that could provide continuation either north to northeast or north to northwest to continue up to Acorn Drive. As most of us probably know if you were to go a straight line where the street is, you would eventually go to an old quarry site. If you were to connect the street you would have to go around the quarry. In

fact, that was discussed with our engineer that laid this out that it is doable to make that radius turn.

Chair Finnegan said we are talking about what it is in substantial accord with the Comprehensive Plan, I would tend to say that it is given all of the things that have changed up Mount Clinton Pike, this is getting built out.

Vice Chair Byrd said as a resident of Mount Clinton Pike and given the age of my neighbors, sometimes I have seen rescue staff have to come out. Having a shorter response time, I think my neighbors would greatly appreciate that on our edge of the City. I live on the edge of the City, I step out my door and step in the grass and I am in the County. My little corner would greatly appreciate this. From what I have read of the Comprehensive Plan, I would not see how this would be not substantially in accord. I would also agree that it would be substantially in accord. Therefore, I will make a motion that the proposed fire station is in substantial accord with the Comprehensive Plan.

Commissioner Baugh seconded the motion.

Commissioner Baugh said I like the concept of it. I think it is fine. As I am sitting here looking at this, I realized what I think rubs me the wrong way about this and it goes back to something that was one of those little things in the first year of law school that was not made a big deal and yet I carry it with me to this day. It was just a simple concept which is you can have a document or contract or whatever and you can put the strongest language you can think of in there that says what people have to do or not do but if it does not actually get explained very well what the consequences are of people not doing it, it is kind of like what do you have? I think that is how I have always felt about this because on top of everything else, even if we were to find that it was not in substantial compliance with the plan. For example, I think there is just probably enough general statements in there about we like public safety. As you say, it is a known section of town. There have sort of been promises of this being up there, it is going to be an enhancement for that. That is consistent with things in the plan. Council does not have to go along with it anyway and all they really would have to articulate is that they think it is in the public interest. I sort of see it as if the local governing body was trying to do something crazy in the middle of a toxic waste dump and was not telling anyone about it. It has always kind of hard to figure out where we are going with this. I think we should say based on the public safety concerns that Mr. Byrd has stated.

Mr. Fletcher said Ms. Dang are you looking for them to also acknowledge that it is working towards objective 15.2 in the...do you think that needs to be included in the findings document?

Ms. Dang said I have a copy of the findings and thank you for bringing that up. This is basically verbatim from the staff report. This is your pleasure and it can be amended if you all desire it to be so. The findings would be that yes, you found it in conformance with the Comprehensive Plan, as similarly stated on the screen there, and that additionally the property is zoned M-1 and that it conforms with the Comprehensive Plan's Industrial designation and then so on about the M-1 district allows public uses by right and the City fire station is classified as a public use and also

allowed by right. Basically, the things in the staff report and then so on about the Capital Improvement Program and the Comprehensive Plan's chapter thirteen and the objective, 15.2.

Mr. Fletcher said technically why you believe it is compliant to the Comprehensive Plan.

Ms. Dang said if you would like to omit any reasons from the staff report or if you do not feel they fit or if you would like to add other reasons, we can amend this draft finding statement.

Chair Finnegan said it is designated as Industrial, there was a Shenandoah Valley Organic (SVO), or Farmer Focus, plant just around the corner. There have been a lot of things that have been built in the last ten years there that would need a rapid response from the Fire Department. I do not have any objections. I do believe it is in substantial accord with the Comprehensive Plan.

Vice Chair Byrd said with all of the findings that staff presented to us this evening I felt were in substantial accord for what we look for. Which is why I made the motion in that thinking. I hope that the minutes will recognize that. Do we need to reword the motion at all?

Commissioner Baugh said I think chapter thirteen, which has general references to the Fire Department is probably good enough as well. We have a fire department and we want it to be able to do what it needs to be able to do. It cites a number of things like that. There is just ample support from the Comprehensive Plan.

Commissioner Washington said when you think about it, from an equity standpoint and us living in a City, someone who lives on one side of town should have the same access to emergency services as someone on the other side or who lives directly in the City close to a fire station. Just on equity alone, cutting down on response times is huge for everyone.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

It was found that Fire Station #5 is in substantial accord with the Comprehensive Plan. The findings will be presented to City Council on April 9, 2024.