



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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August 5, 2014

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Lantz-Eby Enterprises with representative Ken Kline of Cottonwood Commercial for a special use permit per Section 10-3-97 (4) of the Zoning Ordinance to allow financial institutions and offices within the M-1, General Industrial District. The 3.0 +/- acre property is addressed as 130 Mt. Clinton Pike and 302 Acorn Drive and is identified as tax map parcel 44-C-1.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: July 9, 2014

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as General Industrial. This 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 following land uses are located on and adjacent to the property:

Site: Undeveloped property, zoned M-1

North: Undeveloped property, zoned M-1

East: Undeveloped property, zoned M-1

South: Across Mt. Clinton Pike, non-conforming agricultural operations, zoned M-1

West: Across Acorn Drive, undeveloped property, zoned B-2C and M-1

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (4) of the Zoning Ordinance to allow financial institutions and offices on a three acre tract of land located at the northeastern corner of the Mt. Clinton Pike/Acorn Drive intersection. If approved, it is planned that DuPont Community Credit Union (DCCU) would locate operations at this corner. Per Section 10-3-130 (c), when a SUP is approved by City Council, the property owner has one year to establish the use, or to commence or diligently pursue construction for the authorized use, unless at the time of permit approval Council allots a different time period to do the same. The applicant has specifically requested to have up to five years to begin construction.

The applicant's submitted letter (prepared by Blackwell Engineering) describes several details related to the SUP plan of development; the submissions expressed in the letter are part of the SUP, which if approved, must be adhered to.

The submitted details first describe that the financial institution and office uses will be restricted to utilizing no more than 8,000 square feet of building space, which could be made up within one or more

buildings. They noted that traffic trip generation numbers are not projected to exceed 99 in the peak hour. Capping the size of the financial institution uses at 8,000 square feet should help in not generating 100 vehicle trips in the peak hour. (When proposed developments are projected to generate 100 vehicle trips in the peak hour, the City has the authority to require the property owner to perform a Traffic Impact Analysis (TIA).) With this detail of the application, however, the applicant should understand that any additional square footage for any other permitted use on the property may require the performance of a TIA.

In addition to the above details, the property owner would construct, and if necessary dedicate right-of-way for, a right turn lane along Mt. Clinton Pike for vehicles turning onto Acorn Drive. With regard to entrances for the proposed use, there would be two. One will be an entrance off of a shared ingress/egress between the subject property and the adjacent property to the east (part of the large tract of land identified as tax map parcel 44-C-2). The second entrance will be provided along Acorn Drive located no closer than 300 feet to the Mt. Clinton Pike/Acorn Drive intersection.

Moreover, the applicant is also reserving an area that is 30 feet in width along the entire length of the subject property's eastern boundary line for a potential public street. The reserved 30 feet is half the width needed for a public street serving an industrial area. Ultimately, an additional 30 feet would be needed from the eastern adjacent property if and when the construction of a public street is to occur. Although the Comprehensive Plan's Street Improvement Plan does not indicate a planned public street within this area, staff believes another public street may be needed to alleviate the pressure on Acorn Drive and to preserve its capacity as an industrial street. With respect to staff's concern, the applicant has provided they will dedicate, at no cost, 30 feet of public street ROW along their eastern property boundary if and when the City deems a public street is necessary. As noted by the applicant's letter, this area shall be reserved only for a period of 10 years. The applicant should understand that if the reserved area is to be taken advantage of, the property owner may need to be involved in the platting/dedication of public street ROW for the creation of a public street.

While the submitted sketch of the layout is simply an example of how DCCU could configure an entrance to the shared ingress/egress along Mt. Clinton Pike, staff suggested for them to consider locating this entrance further to the north (a distance creating at least a 100-foot tangent between the entrance and Mt. Clinton Pike) along the eastern boundary line so that if a public street is built within this area, their entrance would be located far enough from Mt. Clinton Pike to function properly. Doing so at this time would, although increase the length of the shared private drive they would have to construct, allow them to internally design their site to accommodate a more northern entrance so they would not have to deal with redesigning and relocating their entrance at a later date. The applicant acknowledged this situation and noted that if they do not accommodate an entrance further to the north at this time, they would be financially responsible for relocating their entrance along the potential future public street.

Although not a matter associated with the SUP, regardless of how this property develops, the property owner will be required to construct sidewalk along the property's Mt. Clinton Pike and Acorn Drive street frontage. In addition, development of the property will likely require extension of a public sanitary sewer main as the closest mains are located about 400 feet to the east and roughly 500 feet to the west of the property.

With respect to the Comprehensive Plan, the subject property currently aligns with the City's Land Use Guide—the property is zoned M-1 and is designated General Industrial by the Land Use Guide. All of the adjacent property and much of the surrounding area also aligns with the Land Use Guide as the majority of the Mt. Clinton Pike and Acorn Drive area is zoned M-1 and is designated General Industrial. With that noted however, much of this area does not include the intense manufacturing and processing uses that are

permitted by-right in the M-1 district. Rather, the nearby properties include undeveloped lots, non-conforming agriculturally used property, the Virginia Department of Agriculture and Consumer Services building, Rockingham County's School Board office building, and the technology oriented uses located along Mt. Clinton Pike and Technology Drive.

Staff is supportive of the requested SUP and does not believe allowing financial institutions and offices at this corner would have an undue impact on the other uses in this area or negatively impact the City's long term plans for industrial operations for this area. Furthermore, at this time, the proposed use would be compatible with the existing surrounding uses. The applicant should understand, however, that because the property is surrounded by M-1 zoned lots, the financial use could be adjacent to intense industrial operations, which they may deem as undesirable neighbors.

Staff appreciates the applicant's willingness to construct a shared entrance along Mt. Clinton Pike as doing so will cut back on the number of entrances needed along this corridor. We also appreciate the applicant's submission to build a right turn lane along Mt. Clinton Pike and to reserve a 30-foot strip of property along their eastern boundary for potential dedication for a public street.

Staff recommends in favor of the special use permit and further recommends granting the property owner the ability to have five years from the date of approval to begin construction for the authorized use.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if the applicant or the applicant's representative would like to speak.

Mr. Dick Blackwell of Blackwell Engineering said Adam has explained everything quite well. It has been a working situation with the City; particularly with the Public Works Department as far as turn lanes and entrances. We have done basically everything that was asked of us. I would like to go on record as saying that we went to Public Works to do a traffic impact analysis for input since we are not using an entire parcel for one use. When you do a traffic impact analysis, the reviewing agency, the City in this case, takes a look at the scope of work that they are going to require to be studied. In this case we just met with Jim Baker and his staff and they worked with us to determine what they would need. So everything that we have offered is something that they felt was needed by the traffic impact analysis. I do question if the 30-foot reserved area for a future road is a good location; it is only 300 feet from a proposed signalized intersection.

I believe you have seen other buildings that DuPont Credit has done; they are all very attractive. Through studies DuPont has done, they feel there is the need for an institution in this area along Mt. Clinton Pike; particularly if the M-1 land is developed in the future as industrial, with the employee pool.

If there are any questions I would be happy to answer them.

Mr. Colman said I have a concern about that entrance or reserved road being there as well; but I am fine if that is what Public Works wants.

Mr. Blackwell said I think there is a slim chance that the road would go through; therefore we believe it is wise not to construct the entire 100-feet of the reserved road to nowhere.

Chair Fitzgerald asked if there was anyone else wishing to speak in favor of the request. Hearing none, she asked if there anyone wishing to speak in opposition of the request. Hearing none, she closed the public hearing and asked Planning Commission for discussion.

Mr. Way said I actually have a wide range of questions for staff. Last month we saw a rezoning request in this same area for a change from the M-1 classification. Are there any concerns about the reduction in the amount of M-1 land or fragmentation of M-1 land?

Mr. Fletcher said at this stage no. As with the previous rezoning this SUP was discussed with the Economic Development Director and he was in favor of recommending in favor of the type of SUP for this parcel.

Mr. Colman said that is true, this is not a rezoning.

Mr. Fletcher said remember any special use that is approved on any parcel, still allows for all the underlying by-right uses.

Mr. Colman moved to recommend approval of the special use permit with the extension of five years.

Mr. Way seconded the motion.

Mr. Baugh said I do not believe I have a conflict on this; but out of an abundance of caution I want to note on the record that I have not participated in the discussion and I intend to abstain on this vote. I will discuss this further with the City Attorney as for coming before the City Council.

Chair Fitzgerald called for a voice vote on the motion. All voted in favor of the SUP request with the five year extension (4-0). Chair Fitzgerald said this will move forward to City Council on August 12th with a favorable recommendation.

Respectfully Submitted,

Alison Banks
Senior Planner