

CLARK & BRADSHAW, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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OF COUNSEL

M. STEVEN WEAVER
OF COUNSEL

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RETIRED – NOT AN ATTORNEY

AMY L. RUSH, C.P.A.
NOT AN ATTORNEY

TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
QUINTON B. CALLAHAN
KAREN L. ROWELL
KATHERINE M. MANN

February 3, 2023

Via Electronic Mail:

Adam Fletcher, Director
City of Harrisonburg Department of Community Development
409 S. Main Street
Harrisonburg, VA 22801
Adam.fletcher@harrisonburgva.gov

Re: DH Land LLC – Application for Rezoning and Special Use for a self-storage facility located at 1250 West Market Street, Harrisonburg, VA 22801, Tax Map Reference: 037 G 10

Dear Mr. Fletcher:

I write on behalf of Hearthfire Capital LLC (“Applicant”), which has entered into a purchase contract to purchase the property located within the City of Harrisonburg at 1250 West Market Street, Harrisonburg, VA 22801, Tax Map Reference: 037 G 10 (the “Property”) from DH Land, LLC (“Owner”). The Applicant requests approval for a Rezoning and Special Use within Zoning District B-2 for a self-storage facility. The proposed Rezoning would keep the Property zoned as B-2, but would remove the proffers that were put forward for a rezoning of the parcel that was done in 2003 (the “Revised Proffer of Conditions” is enclosed here for reference). The Applicant has submitted new Rezoning proffers to specify the conditions of the Special Use application that is the subject of this letter.

Within zoning district B-2, Sec. 10-3-90(12) of the Harrisonburg City ordinances permits warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted used in this district. Sec. 10-3-91(2) allows for warehousing and other storage facilities with a special use permit, and does not limit the size of such facilities.

The Applicant has developed a plan to build a self-storage facility on the Property approximately ninety-eight thousand (98,000) square feet in size. The Developer has proffered that the facility would have a more residential exterior design and landscape; specifically, that the facility will not have exterior individual storage unit entrances, and it will not be fenced, but rather shall use site-appropriate landscaping to enhance the aesthetic design and appropriately obscure the facility from nearby residential views. The facility shall use shielded lighting fixtures. The proposed facility is a sensible transition from neighboring uses (the HEC substation immediately adjacent in zone B-2, and Frazier Quarry to the northeast in zone M-1) to the Wellington residential subdivision located just to the west of the Property. An appropriately designed and proffered interior self-storage facility would be a desired use proximate to a residential area and the West Market Street City entry corridor, and makes sense as a community amenity for Wellington and other nearby communities. The proposed “Concept Plan” is attached to the Rezoning and Special Use Permit applications.

The Applicant requests approval of Rezoning and Special Use for mini-self-storage facility within the B-2 district under the submitted application, Concept Plan, Special Use Permit application with conditions and supplemental documents.

Adam Fletcher, Director
February 3, 2023
Page 2

I appreciate your consideration of this proposal. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "TR", with a long horizontal flourish extending to the right.

Todd C. Rhea, Esq.

CC: Hearthfire Capital LLC
DH Land, LLC



PROPERTY INFORMATION

1250 West Market Street
Property Address

037-G-10
Tax Map Parcel/ID

2.09
Total Land Area

(acres) or sq.ft.
(circle)

Existing Zoning District: B-2C Proposed Zoning District: B-2C

Existing Comprehensive Plan Designation: Medium Density Mixed Residential

PROPERTY OWNER INFORMATION

DH Land, LLC
Property Owner Name

(540) 442-8486
Telephone

3190 Peoples Drive
Street Address

Dain Hammond, dain@hammond-insurance.com; Mark Botkin, Esq. as RA mbotkin@botkinrose.com
E-Mail

Harrisonburg VA 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

Todd Rhea, Esq.
Owner's Representative

540-433-2601
Telephone

92 North Liberty St., Harrisonburg
Street Address

tcrhea@clark-bradshaw.com
E-Mail

Harrisonburg VA 22802
City State Zip

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Dain Hammond
PROPERTY OWNER

02/01/2023 20:33 UTC
DATE

REQUIRED ATTACHMENTS

- Letter explaining proposed use & reasons for seeking change in zoning.
- Statement on proffers, if applying for conditional rezoning.
- Survey of property or site map.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

2/2/23
Date Application and Fee Received

Total Fees Due: \$ 640
Application Fee: \$550.00 + \$30.00 per acre

[Signature]
Received By

PROFFER STATEMENT - CITY

Date: January 24, 2023

Owner: DH Land, LLC

Contract Purchaser/Applicant: Hearthfire Capital LLC and Hearthfire Holdings, LLC

Tax Map Number:

City Lot: 037-G-10 ("Property")

Current Zoning: B-2C, General Business District with Conditions

Proposed Zoning: B-2C General Business District with Special Use Permit for Warehousing and Other Storage Facilities

The Owner hereby proffers that the use and development of the Property shall be in strict accordance with the Special Use Permit Supplemental Conditions Statement submitted simultaneously with this Proffer Statement. The use of the property shall be limited to warehousing and other storage facilities and accessory uses as permitted under City Ordinance Sections 10-3-91(2) and accessory uses customarily incidental to the warehousing and storage use.

Dain Hammond

Dain Hammond, **Manager**

On behalf of DH Land, LLC, Owner

Sergio Altomare, **President**

On behalf of Hearthfire Capital LLC and Hearthfire Holdings LLC, Applicant

PROFFER STATEMENT - CITY

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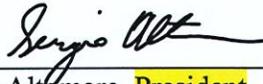
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Dain Hammond, **Manager**

On behalf of DH Land, LLC, Owner



Sergio Altomare, **President**

On behalf of Hearthfire Capital LLC and Hearthfire Holdings LLC, Applicant



CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

Special Use Permit Application

www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

1250 West Market Street

Property Address

037-G-10

Tax Map

2.09

Total Land Area

acres or sq.ft.
(circle)

Existing Zoning Classification: B-2C

Special Use being requested: Sec. 10-3-91(2): Warehousing and other storage facilities

PROPERTY OWNER INFORMATION

DH LAND, LLC

Property Owner Name

3190 Peoples Drive

Street Address

Harrisonburg

VA

22801

City

State

Zip

(540) 442-8486

Telephone

Dain Hammond, dain@hammond-insurance.com; Mark Botkin, Esq. as RA mbotkin@botkinrose.com

E-Mail

OWNER'S REPRESENTATIVE INFORMATION

Todd Rhea, Esq.

Owner's Representative

92 North Liberty St., Harrisonburg

Street Address

Harrisonburg

VA

22802

City

State

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540-433-2601

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CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Dain Hammond
PROPERTY OWNER

02/01/2023 20:33 UTC

DATE

REQUIRED ATTACHMENTS

- Site or Property Map
- Letter explaining proposed use & reasons for seeking a Special Use Permit.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis. This requirement is waived for the following SUPs: major family day homes, reducing required parking areas, reduction in required side yard setback, wireless telecommunication facilities, wall and fences, and short-term rentals. To prevent delays in reviewing your application, please consult with Planning staff to confirm your application does not require a TIA Determination Form or TIA Acceptance Letter.

Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

2/2/23
Date Application and Fee Received

Total Fees Due: \$ 515
Application Fee: \$425.00 + \$30.00 per acre

[Signature]
Received By

SPECIAL USE PERMIT SUPPLEMENTAL CONDITIONS STATEMENT

Date: January 24, 2023

Owner: DH Land, LLC

Contract Purchaser/Applicant: Hearthfire Capital LLC and Hearthfire Holdings, LLC

Tax Map Number:

City Lot: 037-G-10 ("Property")

Current Zoning: B-2C, General Business District with Conditions

Proposed Zoning: B-2C General Business District with Special Use Permit for Warehousing and Other Storage Facilities

The Owner hereby submits the following Supplemental Conditions for the use and development of the Property under the requested Special Use Permit. The use and development of the Property shall be in strict accordance with the following conditions:

1. Building Design:
 - a. The structure shall contain a maximum of 98,000 sq. ft of interior self-storage.
 - b. The exterior appearance of the building shall be substantially similar to the attached rendering, which shows the elevations facing West Market Street and Brickstone Court. The building will incorporate residential-style exterior materials in varied colors and textures, such as brick, architectural panels with an embossed stucco-type finish, faux windows profiled metal accents and trim.
 - c. No exterior entrances to individual self-storage units.
 - d. Building height shall be limited to a maximum of thirty-eight feet (38').

2. Landscaping and Aesthetics:
 - a. No perimeter fencing of the Property.
 - b. Landscaping buffer to be maintained as shown on the Concept Plan along the western property boundary by maintaining the existing vegetative buffer and providing supplemental evergreen screen plantings. Landscaping shall be installed per the Note 5 detail on the Concept Plan.
 - c. Shielded exterior lighting fixtures.
 - d. Sidewalk to be installed along West Market Street frontage, and Brickstone Court frontage north to the primary entrance to the site. Sidewalk design to be finalized during the engineered site plan approval process taking into account existing storm drainage features on those frontages. Applicant will provide to the City a minimum of seven and one-half feet of dedicated right of way or an easement for maintenance and repair from the back of curb along the frontages improved by sidewalks. Applicant also agrees to grant right-of-way or an easement for sidewalk maintenance and repair from north of the entrance shown on the Concept Plan at the time of future improvement and extension of Brickstone Court, using the same distance from the centerline as the typical section south of the entrance.
 - e. Street trees will be planted along the West Market Street frontage as generally depicted on the Concept Plan. The trees will be planted approximately thirty-feet

(30') on center with allowances for any existing utility or drainage improvement conflicts.

3. Hours of Operation shall be restricted as follows:
 - a. The office shall be open Monday through Sunday from 9 a.m. to 5 p.m.
 - b. The storage units shall be accessible to customers from 6 a.m. to 10 p.m. daily.

We hereby commit that the use and development of this property shall be in strict accordance with the above Supplemental Conditions set forth herein.

Dain Hammond

Dain Hammond, Manager
On behalf of DH Land, LLC, Owner

Sergio Altomare, President
On behalf of Hearthfire Capital LLC and Hearthfire Holdings LLC, Applicant

SPECIAL USE PERMIT SUPPLEMENTAL CONDITIONS STATEMENT

Date: January 24, 2023

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Contract Purchaser/Applicant: Hearthfire Capital LLC and Hearthfire Holdings, LLC

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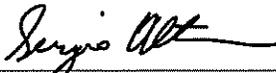
2. Landscaping and Aesthetics:
 - a. No perimeter fencing of the Property.
 - b. Landscaping buffer to be maintained as shown on the Concept Plan along the western property boundary by maintaining the existing vegetative buffer and providing supplemental evergreen screen plantings. Landscaping shall be installed per the Note 5 detail on the Concept Plan.
 - c. Shielded exterior lighting fixtures.
 - d. Sidewalk to be installed along West Market Street frontage, and Brickstone Court frontage north to the primary entrance to the site. Sidewalk design to be finalized during the engineered site plan approval process taking into account existing storm drainage features on those frontages. Applicant will provide to the City a minimum of seven and one-half feet of dedicated right of way or an easement for maintenance and repair from the back of curb along the frontages improved by sidewalks. Applicant also agrees to grant right-of-way or an easement for sidewalk maintenance and repair from north of the entrance shown on the Concept Plan at the time of future improvement and extension of Brickstone Court, using the same distance from the centerline as the typical section south of the entrance.
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Dain Hammond, Manager
On behalf of DH Land, LLC, Owner



Sergio Altomare, President
On behalf of Hearthfire Capital LLC and Hearthfire Holdings LLC, Applicant

GENERAL NOTES:

1. THE PROPERTY IS KNOWN AND DESIGNATED AS TAX NO. 037-G-10 AND AS LOT 40, WELLINGTON SUBDIVISION AT 1250 W MARKET STREET, HARRISONBURG, ROCKINGHAM COUNTY, VIRGINIA. THE PROPERTY IS SITUATED IN THE "B-2C ZONE" (GENERAL BUSINESS DISTRICT(CONDITIONAL)). THE SUBJECT PROPERTY AND CONTAINS A TOTAL OF ±2.089 ACRES.
2. **EXISTING USE:** VACANT
PROPOSED USE: SELF-STORAGE
3. BASE MAP INFORMATION WAS OBTAINED FROM THE FOLLOWING SOURCES:
 - 3.1. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A PLAN ENTITLED "BOUNDARY & TOPOGRAPHY SURVEY OF LOT 40, WELLINGTON SUBDIVISION" PREPARED BY BENNER & ASSOCIATES, INC., DATED SEPTEMBER 26, 2022.
4. **BULK ZONE REQUIREMENTS**
B-2C ZONE (GENERAL BUSINESS DISTRICT (CONDITIONAL))

REQUIREMENTS	PERMITTED:	EXISTING:	PROPOSED:
MINIMUM LOT AREA	N/A	2.089 AC	2.089 AC
MINIMUM FRONT YARD	30 FT	N/A	33 FT
MINIMUM SIDE YARD*	35 FT	N/A	37 FT
MINIMUM REAR YARD*	35 FT	N/A	45 FT
MAXIMUM HEIGHT	75 FT	N/A	38 FT
MAXIMUM NUMBER OF STORIES	NO MAXIMUM	N/A	3

*SIDE AND REAR YARD SETBACKS—TEN (10) FEET, EXCEPT ON THE SIDE OF A LOT ABUTTING A RESIDENTIAL DISTRICT, THEN THIRTY (30) FEET; PROVIDED THAT FOR ANY STRUCTURE GREATER THAN THIRTY-FIVE (35) FEET IN HEIGHT WHICH ABUTS A RESIDENTIAL DISTRICT, THEN ONE (1) ADDITIONAL FOOT OF SETBACK IS REQUIRED FOR EACH FOOT ABOVE THIRTY-FIVE (35) FEET.

5. A 15-FT WIDE LANDSCAPING BUFFER CONSISTING OF TREES AND SHRUBS SHALL BE INSTALLED AND MAINTAINED WITH THE INTENT TO FORM A DENSE SCREEN. THE VEGETATION MAY INCLUDE BUT IS NOT LIMITED TO PLANTINGS SUCH AS COLORADO SPRUCE, EASTERN RED CEDAR, DOUGLAS FIR, NORWAY SPRUCE, ETC. THE INSTALLED VEGETATION SHALL BE 6-8 FEET IN HEIGHT AT THE TIME OF PLANTING, INSTALLED AT A MINIMUM SPACING OF 5-FT. ON CENTER, AND LOCATED ALONG BRICKSTONE COURT AND THE WESTERLY BOUNDARY.



LINE	BEARING	DISTANCE
L1	N 63°07'30\" W	74.29'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1389.39'	186.16'	186.02'	N 66°57'48\" W	07°40'36\"
C2	18.00'	27.33'	24.78'	N 19°37'57\" W	86°59'07\"
C3	325.00'	16.01'	16.01'	N 22°26'57\" E	02°49'20\"
C4	275.00'	45.89'	45.84'	N 25°49'08\" E	09°33'43\"

No.	Date	Revision	Revised By	Checked By
2.	2/23/2023	REVISED PER CITY COMMENTS	CFE	LBB
1.	1/31/2023	REVISED PER CITY COMMENTS	CFE	LBB



FPA ASSOCIATES
 Corporate Office:
 1800 Rte 34, Suite 101
 Wall, New Jersey 07719
 732.312.9800
 FPAengineers.com

FOR
1250 W MARKET STREET
 TAX PARCEL 037-G-10, LOT 40 WELLINGTON SUBDIVISION
 CITY OF HARRISONBURG
 ROCKINGHAM COUNTY, VIRGINIA

DATE: 11-15-2022
 DESIGNED BY: CFE
 DRAWN BY: CFE

SCALE: 1" = 20'
 CHECKED BY: LBB
 FIELD BOOK

PROJECT NUMBER: 19036.001
 SHEET: 1 of 1

\\file\docs\19k\19000\19036 - Harrisonburg Self Storage\CADD\DWG\CONCEPTS\19036.001-CONCEPT 2.dwg, CONCEPT





For inclusion in an application for Planning Commission review (for Special Use Permit, Rezoning or Preliminary Plat), this form must be submitted to the Public Works Department at least 5 business days prior to the Planning Commission application deadline.

Contact Information				
Consultant Name: Telephone: E-mail:				
Owner Name: Telephone: E-mail:				
Project Information				
Project Name:				
Project Address: TM #:				
Existing Land Use(s):				
Proposed Land Use(s): (if applicable)				
Submission Type:	Comprehensive Site Plan	Special Use Permit	Rezoning	Preliminary Plat
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)				
Peak Hour Trip Generation (from row 15 on the second page)				
AM Peak Hour Trips:				
PM Peak Hour Trips:				

(reserved for City staff)

TIA required? Yes _____ No T/M

Comments:

Accepted by: Zenetha Mason

Date: 10/6/2022

Peak Hour Trip Generation by Land Use

Row	IVG'Nand Use	ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1					
2	Proposed #2					
3	Proposed #3					
4	Proposed #4					
5	Proposed #5					
6	Proposed #6					
7	Total New Trips					
8	Existing #1					
9	Existing #2					
10	Existing #3					
11	Existing #4					
12	Existing #5					
13	Existing #6					
14	Total Existing Trips					
15	Final Total (Total New – Total Existing)					

Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.