



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, Interim City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: April 12, 2022 (Regular Meeting)  
Re: Rezoning – 1441, 1451, 1477 North Main Street (M-1 to B-2C)

### **Summary:**

Public hearing to consider a request from Northside LLC with representatives Holtzman Oil Corporation to rezone four parcels from M-1, General Industrial District to B-2C, General Business District Conditional. The site totals +/- 4-acres, is addressed as 1441, 1451, and 1477 North Main Street and is identified as tax map parcels 42-B-12, 13 & 14 and 44-B-2.

Staff recommended denial and Planning Commission's recommendation to approve resulted in a tie vote (3-3).

### **Background:**

The Comprehensive Plan designates this site as Industrial. 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 following land uses are located on and adjacent to the property:

Site: Formerly Harrisonburg Motor Express and now unoccupied, zoned M-1

North: Gravel parking lot, zoned M-1

East: Vacant land in Rockingham County, zoned A2

South: Across Mt. Clinton Pike, vacant land, zoned M-1 and R-2

West: Vacant land and the Harrisonburg Technology Zone/Park, zoned M-1

### **Key Issues:**

The applicant is requesting to rezone four parcels totaling +/- 4-acres from M-1, General Industrial District to B-2C, General Business District Conditional. The site abuts the City-County jurisdictional boundary and is located at the intersection of North Main Street and Mt. Clinton Pike/Vine Street. If approved, the applicant plans to “develop the parcels over time, constructing a gas station followed by a combination of restaurants and retail stores.” An adjoining parcel that is located within Rockingham County is also being considered for rezoning as part of the project site. The County Planning Commission held a public hearing

for the rezoning request on March 1, 2022 at which they recommended approval (5-0) to rezone the property from A-2 – General Agricultural District to B-1C – General Business District with Conditions. The request will be heard by the County Board of Supervisors on March 23, 2022.

The applicant has proffered the following (written verbatim):

1. Pedestrian access:
  - a. External walks: The Owner shall construct a 5’ wide sidewalk with a 2’ wide grass buffer strip between the back of curb and the sidewalk along the Mt. Clinton Pike and North Main Street frontages of parcel 42-B-12, and if necessary, dedicate right of way to 0.5’ behind the new sidewalk. The proffered sidewalk fronting Mt. Clinton Pike and North Main Street shall be installed prior to the issuance of a final certificate of occupancy for the first use on the Property.
  - b. Internal walks: The Owner shall construct internal 5’ wide sidewalk(s) with private street crosswalks within the Property that connect the public sidewalks to each building on the Property as each use is permitted and developed.
  - c. Connection to signalized intersection: The owner shall construct a sidewalk connecting directly from the North Main Street/Mt. Clinton Pike intersection to the nearest building.
  - d. Crosswalks shall be painted to connect pedestrian routes that intersect drive aisles.
  
2. The owner shall construct a private internal loop drive/road from North Valley Pike to Mt. Clinton Pike, generally as shown on the Conceptual Plan of Development as prepared by Blackwell Engineering and submitted as part of this application (“Conceptual “Plan”). A 5’ sidewalk will be constructed on at least one-side of the loop drive/road. The internal private loop road/drive shall be substantially installed providing through access from North Valley Pike to Mt. Clinton Pike prior to the issuance of a final certificate of occupancy for the first use on the Property.
  
3. Roadway improvements:
  - a. Mt. Clinton Pike: A dedicated right turn lane into the Property with taper is to be constructed, generally as shown on the Conceptual Plan, along Mt. Clinton Pike. The existing entrance on Mt. Clinton Pike is to be moved to the west and the existing eastbound left turn lane is to be re-striped, in accordance with the TIA and as shown generally on the Conceptual Plan or as otherwise agreed during the site plan approval process.
  - b. Inter-Parcel Connections: The owner shall provide for future inter-parcel connections both to the north and west bordering parcels. These two points of connections shall be provided upon request and coordination of the neighboring owners by easement access from the Property boundary to and across the private loop drive/road described in Proffer # 2 above. Final locations of the two connections shall be subject to development approvals and layouts of the connecting parcels and shall be subject to the negotiation of customary reciprocal easement agreements and cost-sharing arrangements with those owners.
  
4. Site Renewable energy resources:
  - a. Solar energy: The owner shall design and construct solar panels on the roof canopy over any gas pumps on the Property at the time of construction. Substantial panel coverage of

the canopy will be designed and installed with final configuration subject to structural and regulatory requirements.

- b. Electric car charging: Within six (6) months of the issuance of a final certificate of occupancy for any petroleum fueling station use on the Property, the owner shall install and maintain a minimum of four fast-charging/level 3 (or at least equivalent current technology) electric vehicle charging stations on the Property.
5. The buildings on the Property shall be characterized by varied roof lines and shall incorporate higher quality finishes such as stone, brick and stucco/EIFS. Lower quality materials such as corrugated metal, unfinished cinder block and low-grade vinyl siding shall not be permitted on building frontages facing North Main Street and Mt. Clinton Pike. The Property shall be maintained under unified developer or property owner association control with established architectural review standards contained in a recorded declaration or similar instrument.
6. Landscaping including tree plantings, shall be installed and maintained along the Property frontage along Mt. Clinton Pike and North Main Street under applicable City of Harrisonburg zoning ordinance to provide for a uniform landscaping frontage along both major streets. Such tree plantings may be modified as required to avoid interfering with existing overhead and underground utilities located along these frontages. Street trees will be installed on one side of the internal loop drive/road consistent with zoning ordinance requirements for street trees along public fronting streets in the zoning ordinance.
7. An easement will be provided for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) along Mt. Clinton Pike. A concrete pad will be constructed within the agreed easement location to HDPT's bus shelter design specifications. HDPT will construct the actual bus shelter on the pad provided.

Note that the submitted conceptual site layout is not proffered.

While most of the proffers are self-explanatory, staff offers additional information on proffer numbers 2 and 6. With regard to Proffer #2, the owner would be required to construct a private internal loop drive/road from North Valley Pike to Mt. Clinton Pike, along with sidewalks on at least one-side of the loop drive/road. (Note: North Valley Pike is the continuation of North Main Street/Route 11 into Rockingham County and the proposed entrance to the private internal loop road onto Route 11 would be located in Rockingham County.) There was discussion among City staff, County staff, Virginia Department of Transportation (VDOT) staff, and the applicant on whether the loop drive/road should be a private or public drive/road/street. There was also a request from City and County staff for the applicant to consider dedicating public right-of-way for a future street connection between the subject site and the future County fire station to provide street connections to future development to the north. While City staff believes that the area would be best served by a public street with public street connections into other adjacent properties, and likely designed and located at different connection points than the conceptually shown private road, staff understands the applicant's hesitation to commit to dedicating and building public streets at this time and is appreciative of the applicant's proffer in Proffer 3.b. for future interparcel connections. Staff also believes this development would be best served with sidewalks on both sides of the private drive/road and, if approved, hopes the applicant will consider constructing sidewalks on both sides of this lane.

Proffer #6 refers to the City's zoning requirement to plant trees within the landscape border between parking lots and public street frontages. The applicant proposes to provide for uniform landscaping along the frontage and states that "...tree plantings may be modified as required to avoid interfering with existing overhead and underground utilities..." Know that there is no provision within the Zoning Ordinance to reduce the number of required trees or the required minimum size of trees at the time of planting. Also, the Zoning Ordinance does not require trees to be installed uniformly by species, size, or spacing. Trees may be spaced at different intervals or clustered together to avoid conflicts with utilities. In actuality, the only portion of proffer #6 that is outside of typical requirements is the offer to plant trees along the private road similar to the Zoning Ordinance's parking lot landscaping requirements, which is appreciated.

With regard to the Comprehensive Plan's Land Use Guide, the properties that are across Mt. Clinton Pike and across the intersection of North Main Street are all designated Mixed Use. The subject site and properties to the north and west are designated General Industrial. Properties to the northwest are also within Harrisonburg's Technology Zone/Park with operating businesses and technology firms and the property to the northeast in Rockingham County is where a new County Fire Station will be located (See Exhibit A). While the Comprehensive Plan's Future Land Use Guide designates the subject property for General Industrial, staff believes that commercial uses could be appropriate at this location if the site layout was supported by more urban and traditional neighborhood design (TND), which is what the Comprehensive Plan promotes for the North Main Street corridor rather than the car-centric design illustrated in the applicant's conceptual site layout.

Staff suggested that the applicant consider reversing the design as shown on the conceptual layout by proffering to locate the convenience store along the public street frontage and for the gas/pump island to be located behind that building. Such a layout would promote and establish an urban, TND design for this corridor, which is more accommodating to pedestrians and bicyclists who will be walking and biking to this location. Moving the convenience store closer to Mt. Clinton Pike and North Main Street creates a pedestrian friendly design and a sense of place for people walking, biking, and driving to and past the site. While the conceptual layout demonstrates the applicant's intent to provide a sidewalk to the convenience store, staff believes it is in the best interest of the City's plans and for all of the people who will walk and bicycle to this site to eliminate the unsafe, large parking lot and gas pump islands adjacent to the public street, where vehicles constantly crisscross through the area in all directions. While much of the concern in conversation is regarding the convenience store location, staff believes that the public street frontage of the site should be constructed with buildings along the frontage and to locate parking to the rear of those buildings. If parking lots must be constructed in front of buildings, to the greatest extent possible it should not occur along the public street frontage. In response to our suggested site layout design, the applicant noted that they have constructed a similar design at another location that they operate. However, if staff understood correctly, they stated that this layout does not economically perform as well as their other sites and they prefer the conceptual layout. While this could be true, the economic performance of that other site could be due to a number of other factors and not necessarily due to the site layout.

Exhibit B is an image showing a half-mile radius from the corner of the parcel at the intersection. This half-mile radius includes a tremendous number of existing residential units and there are more residential units forthcoming with the Vine Street Townhomes project. Know also that the City will be constructing sidewalks along the east side of North Main Street from Holly Hill Drive to the intersection with Mt. Clinton Pike and Vine Street. The Department of Public Works also submitted a Community Development

Block Grant (CDBG) application (which has not yet been awarded) to construct sidewalks from the southern corner of the North Main Street and Vine Street intersection to the western most entrance of the Harris Gardens community. In emphasizing our position and stressing the need for the site to accommodate pedestrians, staff asked the applicant if they would be willing to contribute in some way to assist the City in constructing the previously mentioned sidewalks along Vine Street. The applicant noted they might be interested but are not ready to proffer such details. If the applicant was able to contribute in some way, then the CDBG funding, if awarded, could be utilized to extend the sidewalk even further along Vine Street, which would serve more people.

Staff is appreciative of the efforts and proffers that the applicant has made up to this point. Redeveloping this site should assist in developing and redeveloping other properties along this corridor. However, staff believes that the site layout is very important. Placing the buildings (especially the convenience store, which appears to be the use most likely to be constructed first) closer to the intersection would be safer for pedestrians to be able to walk directly from the public sidewalk to the building, more aesthetically attractive from a streetscape perspective, and it would set the expectation of how the other corners should develop. Chapter 15, Revitalization of the Comprehensive Plan identifies North Main Street as a Corridor Enhancement Area and the area around the intersection of North Main Street and Mt. Clinton Pike/Vine Street as a Secondary Gateway. Among other things, Chapter 15 describes that “[t]he Gateways and Corridor Enhancement Areas map [in] this chapter, highlights the important local and regional travel routes into and throughout the City, many of which are commercial destinations. Their quality and character strongly influence the City’s accessibility, attractiveness, and economic vitality.” Chapter 15 goes on to recommend that “a special study of each corridor enhancement area be carried out to address issues such as land use and design quality; streetscape improvements; vehicle, pedestrian, and bicycle circulation; access management; development, redevelopment and reuse opportunities; conservation of special features; improvements to utilities and public facilities; and signage.” While there have been no specific plans conducted by the City to speak to these issues, staff believes that the City should not disregard the known design ideas of how this corridor should be built and to take the opportunity now to have the proposed development assist in setting the precedent of how this section of North Main Street should be developed and redeveloped. Allowing the car-centric design as illustrated on the conceptual layout would set the wrong precedent and send the wrong message of how we hope to serve the people in this area of the City.

Staff recommends denial of the request.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning request; or
- (b) Deny the rezoning request.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

***Rezoning – 1441, 1451, 1477 North Main Street (M-1 to B-2C)***

Public hearing to consider a request from Northside LLC with representatives Holtzman Oil Corporation to rezone four parcels from M-1, General Industrial District to B-2C, General Business District Conditional. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. The Comprehensive Plan designates this site as Industrial. 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 site totals +/- 4-acres, is addressed as 1441, 1451, and 1477 North Main Street and is identified as tax map parcels 42-B-12, 13 & 14 and 44-B-2.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (b) denial of the rezoning request.

**Attachments:**

1. Extract from Planning Commission
2. Site map
3. Application and supporting documents
4. Exhibits A and B
5. Public comments received as of March 4, 2022

**Review:**

The motion to recommend approval resulted in a tie vote (3-3) (Orndoff absent).