



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission  
From: Department of Community Development  
Date: March 8, 2023 (Regular Meeting)  
Re: Rezoning and Special Use Permit – 1250 West Market Street (B-2C Proffer Amendment) (To Allow Warehousing and Other Storage Facilities)

## **Summary:**

Project name	N/A
Address/Location	1250 West Market Street
Tax Map Parcel	37-G-10
Total Land Area	+/- 2.09 acres
Property Owner	DH Land LLC
Applicant/Owner's Representative	Hearthfire Capital LLC and Hearthfire Holdings, LLC
Present Zoning	B-2C, General Business District Conditional
Proposed Zoning	B-2C, General Business District Conditional
Special Use Permit Requested	Section 10-3-91 (2) to allow warehousing and other storage facilities
Staff Recommendation	Denial
Planning Commission	March 8, 2023 (Public Hearing)
City Council	Anticipated April 11, 2023 (First Reading/Public Hearing) Anticipated April 25, 2023 (Second Reading)

## **Background:**

The subject property is part of the Wellington Subdivision, which was first preliminarily platted in 1998 to create 40 single-family home lots and was approved in April of that year. The developer at that time failed to move forward with the project and the preliminary plat expired. In March of 2000, the developer came back before the Planning Commission to resubmit the previously approved preliminary plat and received approval. The final plat was approved soon after.

The +/- 2.09 acres of land currently being considered for a proffer amendment was originally zoned R-1. In July 2000 it was part of a larger, proposed plan of development and was rezoned to R-3C to allow for the development of 29 townhome units. The subject property was then rezoned again in August 2003, despite staff's recommendation for denial, from R-3C to B-2C. (Note that as part of that application, another +/- 13.76 acres was simultaneously rezoned from R-1 to R-3C, which staff supported). The existing proffers, approved in the 2003 rezoning eliminated certain B-2 uses, but continues to allow many commercial activities, some of which have further controlling details and prohibitions. A copy of the 2003 proffers is attached.

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

Site: Undeveloped property, zoned B-2C

North: Undeveloped property, zoned R-1

East: Harrisonburg Electric Commission Substation, zoned B-2

South: Across West Market Street, Thomas Harrison Middle School, zoned B-2

West: Across Brickstone Court, single-family detached dwellings, zoned R-3C

**Key Issues:**

The applicant is requesting to amend existing proffers for a +/- 2.09-acre site zoned B-2C, General Business District Conditional and is simultaneously applying for a special use permit (SUP) per Section 10-3-91 (2) to allow warehousing and other storage facilities in the B-2 district. If the requests are approved, the applicant desires to construct a self-storage facility.

*Proffers and SUP Conditions*

The applicant has submitted the following proffers (written verbatim):

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.

Additionally, the applicant has proposed the following SUP conditions (written verbatim):

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.

Note that the submitted conceptual layout is not proffered or conditioned by the applicant. The applicant is also working on updating the conceptual layout to include the sidewalk along Brickstone Court as described in SUP condition 2.d.

The applicant has in effect proffered out all uses except for warehousing and other storage facilities and accessory uses and has offered SUP conditions to reduce the visual impact of the self-storage facility on surrounding properties. Staff is appreciative of the applicant's willingness to accommodate several suggestions to the application offered by staff including, but not limited to, the condition to construct sidewalks and to dedicate right-of-way or easements for maintenance and repair.

#### *Land Use*

The Comprehensive Plan designates this site as Medium Density Mixed Residential and states:

“These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.”

To the west of the subject property, across Brickstone Court is a residential neighborhood (Westfield Subdivision) designated in the Comprehensive Plan as Medium Density Mixed Residential and Low Density Residential, and to the north is an undeveloped +/- 5.85-acre property designated Medium Density Mixed Residential. Brickstone Court serves as an entry point into the existing residential neighborhood and would serve as an entry point for future residential development to the north. Note that the Comprehensive Plan's Street Improvement Plan anticipates a public street extension of Brickstone Court. While staff appreciates the transparency of the applicant to be very specific to the development they wish to provide, and in trying to be accommodating to the surrounding uses and responding to staff's suggestions, we believe the subject property should be developed for residential uses as recommended by the Comprehensive Plan's Land Use Guide (LUG). Of course the property owner still has the ability to take advantage of the property's existing proffers and allowable uses.

Staff acknowledges there is a Harrisonburg Electric Commission (HEC) substation to the east of the subject site and that the subject property has frontage on West Market Street, a principle arterial street. However, to the west there are single-family detached homes and townhomes that back up to and front along West Market Street. While some might not consider an HEC substation to be an ideal neighbor, there are residential neighborhoods in the City that are adjacent to substations that co-exist (i.e. near the intersection of Ramblewood Road and Mint Springs Road and near the intersection of Reservoir Street and Dutch Mill Court).

Staff believes that if there is demand to provide for self-storage in this general area of the City, while they may or may not be actively for sale, there are other properties nearby that could accommodate a self-storage facility as either a by right use in the M-1, General Industrial District or with approval of a SUP on properties zoned B-2 and that are designated in the LUG for Industrial uses. The Comprehensive Plan states that:

“These [industrial] 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.”

Finally, staff does not believe this property, which is designated in the LUG for Medium Density Mixed Residential, should be rezoned to allow a self-storage facility when there is need for more housing and this location is walkable to a school, a City park, a multi-use trail, and to commercial uses.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project will not generate 100 or more peak hour trips, which is the threshold for the City to require a Traffic Impact Analysis (TIA).

As previously described, the applicant has proffered and offered SUP conditions to construct new sidewalks and to dedicate right-of-way or easements necessary for new sidewalks and streets.

#### *Recommendation*

Staff recommends denial of both the rezoning and special use permit requests.

However, if there is desire to approve the requests, staff recommends accepting the proffers and SUP conditions as submitted by the applicant.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning and special use permit requests as submitted by the applicant;
- (b) Recommend approval of the rezoning and the special use permit requests with other conditions;
- (c) Recommend approval of the rezoning and deny the special use permit request\*; or
- (d) Recommend denial of the rezoning and special use permit requests.

\*Note that while alternative (c) is technically allowed, given the circumstances that the applicant has proffered out all uses except for warehousing and other storage facilities, approving the rezoning and denying the special use permit request should not be a reasonable alternative to consider.

**Community Engagement:**

As required, the requests were published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisements were published as shown below:

***Rezoning – 1250 West Market Street (B-2C Proffer Amendment)***

Public hearing to consider a request from DH Land LLC to rezone a +/- 2.08-acre parcel zoned B-2C, General Business District Conditional by amending and changing existing proffers. 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 Medium Density Mixed Residential. These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. The gross density of development in these areas could be around 20 dwelling units per acre. The parcel is addressed as 1250 West Market Street and is identified as tax map parcel 37-G-10.

***Special Use Permit – 1250 West Market Street (To Allow Warehousing and Other Storage Facilities)***

Public hearing to consider a request from DH Land LLC for a special use permit per Section 10-3-91 (2) of the Zoning Ordinance to allow warehousing and other storage facilities within the B-2, General Business District. The +/- 2.08-acre parcel is addressed as 1250 West Market Street and is identified as tax map parcel 37-G-10.

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 (d) denial of the rezoning and special use permit requests.

**Attachments:**

1. Site map
2. Application and supporting documents
3. 2003 Proffers

**Review:**

N/A