



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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April 17, 2023

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

SUBJECT:

Consider a request from DH Land LLC to amend proffers for 1250 West Market Street

Consider a request from DH Land LLC for a special use permit to allow warehousing and other storage facilities at 1250 W Market St

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: March 8, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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

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.

Chair Finnegan asked if there were any questions for staff.

Vice Mayor Dent asked did we recently approved an addition to the self-storage facilities on Waterman Drive in the vicinity there?

Ms. Dang said yes, along Waterman Drive.

Mr. Fletcher said that was a rezoning from R-1 to M-1. It was a very uniquely shaped area of the R-1 parcel.

Ms. Dang said that rezoning abutted a property that was already zoned M-1 which is also part of the self-storage facility.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Todd Rhea, Clark & Bradshaw, came forward in support of the request. I will be presenting on behalf of the applicant Hearthfire Development. The Hearthfire representatives are at a national self-storage conference this week in New Orleans.

Hearthfire is seeking a rezoning to amend the existing proffers on the subject B-2 zoned parcel along West Market Street. Hearthfire is also seeking a specifically tailored and closely conditioned SUP within the B-2 district to allow for interior self-storage on that parcel. It is instructive to note that the parcel is currently zoned B-2 commercial. It has been zoned commercial for the last 20 years. It can be used for a wide variety of intensive commercial uses. We are not seeking a residential to commercial upzoning. We are committing this parcel to a single non-intensive commercial use which is compatible with and geared toward providing service largely to residential customers. It is a use which generates almost no traffic, noise, or off-site impact. Staff has focused, in its report, on that the future LUG map, this parcel is designated as medium density mixed residential and has raised concerns with approving our request for a low-intensity commercial use despite the parcel being currently zoned commercial. I have reviewed this issue in detail many times with staff and will note again, for the Planning Commission, that this parcel is the last residentially designated parcel on the LUG map on the north side of West Market Street. It immediately borders a long commercial district corridor on the LUG map and as such should be considered a transition parcel where either use is appropriate. Importantly, this parcel borders a large HEC substation and, as you saw in the pictures, a large electric transmission line and cell tower which makes residential development, while feasible, less than optimal. In fact, the proposed self-storage use provides a perfect transition from the commercial district and substation lying to the east and the largely developed residential neighborhood to the west. Brickstone Court also provides a natural breakpoint for this transition. The low-intensity self-storage use on the frontage parcel would in no way inhibit or discourage residential development of the five-acre parcel lying behind it which runs back to the large Frazier Quarry industrial property to the rear of the site. If this parcel were currently a residentially zoned parcel which we were seeking to upzone, then this LUG stance may be more persuasive. What we are requesting is a downzoning to a very specific and targeted low intensity commercial use designated as a transition use.

I am going to touch on the specific conditions outlined by staff and developed by the applicant during the last six months of discussions with staff and City departments. The Planning Commission will note that the applicant has been intentional as to how the self-storage use will be sited on the subject parcel. We have presented a small scale, single parcel, mini-master plan. The applicant will provide extensive public sidewalk improvements along West Market Street and Brickstone Court, where none exist today. The building itself is designed to maintain an exterior residential finish and feel for transition purposes, including exterior windows. The applicant has limited industrial type exterior features. There is no perimeter fencing on the site. There are no exterior doors or storage access on the property. Proffered are landscape screening and street trees, especially the West Market Street arterial and along the entire western boundary facing the Wellington Subdivision, shielded and directional lighting, and limited hours of operation. The applicant has also removed the question of what future uses this site could be subject to under a general commercial rezoning, by proffering and conditioning the property to a single use and committed site layout and appearance conditions. It is notable, from a community amenity standpoint, that while the City is seeing these modern and convenient interior self-storage units being developed along the interstate and along the east side of town, there is nothing of this amenity category with this type of design and interior access only on the west side of the City. West side residents would be gaining valuable proximate access to this amenity without having to make an across town trip.

As stated, the applicant has taken a very intentional and detailed approach with staff in bringing these requests before the Planning Commission and City Council in a targeted and specific format. From the beginning of the entitlement process, we have proactively offered and been fully responsive to staff proffer and condition requests to provide this compatible transition with the existing residential neighborhood to the west. I am personally familiar with this two-acre parcel. From the initial Wellington Subdivision by the Beckwith family back in year 2000, followed by Tim Lacey's development of the residential portion of Wellington from 2004 onward and the rezoning of this parcel to B-2 Conditional. As long ago as the first subdivision plat and declaration for Wellington in the year 2000, the subject which is lot 40 in that subdivision plat was specifically exempted from the exclusive residential use covenant covering the balance of the subdivision. It was known then that this parcel would have residential development challenges, given the substation and quarry. This reality was acknowledged when the parcel was rezoned to commercial by the City Council in 2004. It remains true today. We have presented the City with a high-quality and detailed transition use under the proffer amendment and SUP applications before you. We ask for your recommendations for approval of this high-quality interior self-storage use with conditions on this commercially zoned parcel. I am happy to answer any questions the Planning Commission, public or staff may have for the applicant this evening.

Chair Finnegan asked if there were any questions for the applicant.

Vice Mayor Dent asked did you mention that there have been some of these interior self-storage facilities built along the interstate?

Mr. Rhea said there is one that U-Haul is building, right next to the new Rocktown High School, right along the interstate. There are several under construction in the Stone Port area, while not in the City are across the line in the County which would be along Port Republic Road east of town.

Vice Mayor Dent said I am not familiar with this type of storage unit. How does that work? How do you get large items to the second floor?

Mr. Rhea said this is great. I have used these before. You come up and there is a big door, open area. You go in. There are lift elevators and push carts. You back your car into this garage area, unload onto the cart. If you are on the first floor, you go right to your unit, or you take the elevator to the second or third floor. There is a lighted hallway. The doors are inside, off of that lighted hallway. You cannot see them. The U-Haul building along I-81 do the orange doors for the U-Haul branding and have windows where you can see through there to the doors. This is not designed that way. You would not see any of the interior doors based on the proffered rendering.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he 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.

Vice-Chair Byrd said I have interacted with these types of storage facilities. They tend to have a key to access the building. A lot of the stuff is in the building. People drive up. They will have a large door and a garage. A lot is contained within the building structure, which is why there is not a need for a fence. It looks like a big office building from the outside, if you did not know better, depending on the architecture. From what they are presenting, that is not the architecture it would be. The issue is that it is a transitional area, and the change is which businesses we will allow there. I would like to hear what other commissioners have to say about it. I am on the fence.

Commissioner Armstrong said I think that having the school across the street, as well as the residential home development to the west, if I were to imagine and wish, I would wish for some restaurant or grocery store or something that is a real residential service. I appreciate that the applicant has gone to efforts to make this blended and to use it as a transitional area. It is 50-50.

Chair Finnegan said it sounds like some commissioners are on the fence.

Vice Mayor Dent said I agree with Commissioner Armstrong. Given that it is currently zoned B-2 and they could by right build anything within those limitations, I would rather see a more active community amenity than something so inert and static, and monolithic looking. Maybe that is an amenity, but that is part of why I was bringing it up that we recently approved an expansion of the storage facility nearby. When I was reading through this, one word that jumped out at me was "faux" as in faux windows, meaning fake. As I thought about it, something that has to try that hard not to look like what it actually is maybe does not belong there.

Commissioner Baugh said I can see it as a close call, but I am leaning toward... Commissioner Armstrong said she was about 50-50. Vice Mayor Dent said she was leaning against. I think I am with her on that. I think that I would like to see something that fits into the neighborhood better. It is interesting, the argument. As with Vice Chair Byrd, I am familiar with these in other places.

There was a big one of these in Rockingham County a few years ago. I think they do typically draw some opposition. I think that there is a way of presenting these that are all about pointing out that they will not be disruptive, particularly when they have residential around this. I think it is a hard-wired thing to try to speak of it in terms of not upsetting the neighbors or it is not going to be a big intrusive use. I do not think that is the issue here. We do not see neighborhoods here complaining about it. Where I am on it is that it would be nice to have something that fits in more with the neighborhood than almost giving up and expecting that we will never get that, so make it the best transitional thing that we can. In a way, if you do that, it is not really transitional because we are not saying that we need more transition here. We are saying that we like the idea of commercial or modified commercial. That is what the proffers in the existing zoning are. That is your transition. We have said that we want a modified commercial use in that spot directly adjacent to the residential neighborhood. I am leaning toward no, but I am not going to say that this is the worst thing in the world if I was on the losing side of the vote.

Chair Finnegan said I agree with Commissioner Baugh and Vice Mayor Dent. If it is 50-50, I am leaning towards the staff's recommendation. In doing some research of why we are seeing a proliferation of these, where there is a lot of multi-family housing, where there are people struggling to find housing, that is where you see a lot of storage units. Harrisonburg fits both of those descriptions right now. We do not get a say over much. We do not get a say over whether Dollar General comes into our neighborhood if it is in a B-1. When we have the decision in front of us, do we want things that enrich the neighborhood or are just the best thing that we can get at the time? For that reason, I would lean towards denial. I do see the need and sometimes the reason for the need is unfortunate and is systemic.

Commissioner Orndoff said I understand the need for something similar to this in that location because there is a residential neighborhood and people in residential neighborhoods do not have an enormous amount of storage. This appears to be something that solves that problem and is not objectionable from its exterior design. I could go either way on this.

Commissioner Washington said I would like to see something that would improve community connectivity. Something that is as passive as self-storage does not do that. You have people coming into the community to drop off or pick up their stuff but not engaging with the people or the amenities around there. Do we need more stuff? It is a no for me.

Commissioner Baugh said they are designed to be that way, the very thing you said you do not like about them. Normally, it seems like this is going to be intrusive... As much as I have heard people saying that they do not want the storage next to them because it is going to be disruptive, and there will be people going in and out, these things that are packed are the most inert looking buildings that you ever wanted to see. On a nice weekend day, when the people are out and about moving stuff, you will see three or four cars there. They back up and they go in. Whatever you like about the idea of connectivity and our sense of community, people moving around, they are not that. They are very self-contained and do a very good job of doing what they do inside the building so that whatever is going on is not impressing itself on anybody else.

Vice-Chair Byrd said speaking of faux architecture, I see nothing wrong with faux architecture. People do that for a number of general neighborhood reasons. Certain places you go to, all the

stores look like houses because they want that type of architecture to blend in with the surrounding neighborhood. I am going to make a motion to deny this, but I will vote against that motion. Regardless of how terrible the housing situation is that would require more storage, if it requires more storage, then it requires more storage.

Vice-Chair Byrd moved to recommend denial of the rezoning request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	No
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend denial of the rezoning request passed (6-1). The recommendation will move forward to City Council on April 11, 2023.

Vice-Chair Byrd moved to recommend denial of the SUP request.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	No
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend denial of the SUP request passed (6-1). The recommendation will move forward to City Council on April 11, 2023.