



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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September 6, 2022

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

SUBJECT: *Consider a request from New Venture Partners LLC to rezone portions of two parcels addressed as 745 North Dogwood Drive and 860 Waterman Drive*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: August 10, 2022**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

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

Site: Undeveloped land, zoned R-1

North: Industrial uses, zoned M-1

East: Across Rockingham Drive shared use path, undeveloped property, zoned R-5C

South: Undeveloped property, zoned R-1

West: Self-storage facility, zoned M-1

The applicant is requesting to rezone a +/- 0.36-acre site from R-1, Single Family Residential District to M-1C, General Industrial District Conditional. If the request is approved, the applicant intends to expand the existing self-storage facility on the adjacent property identified as tax map parcel 38-E-7 and addressed as 820 Waterman Drive.

With this request the applicant has proffered the following (written verbatim):

1. At the time of development, along the property boundary adjacent to the North Dogwood Drive right-of-way, construct a 5 ft tall fence and provide a 10-ft wide landscaping buffer with trees or vegetation with the intent to form a dense screen. The installed vegetation shall be 6-ft in height at the time of planting and installed at a distance not greater than 7-ft on center. Both the fence and landscaping shall be maintained by the property owner.

While staff encouraged the applicant to consider conserving mature trees on the private property, the applicant responded that due to the steep slope of the site and grading that will be necessary, it would be difficult for them to conserve trees. The applicant has offered the above proffer to provide vegetative screening. This is in addition to the existing vegetation and trees within the public street right-of-way of the shared use path.

While the Comprehensive Plan designates this site as Neighborhood Residential and designates areas to the west fronting along Waterman Drive as Commercial, staff believes the request to rezone this small, triangular area to M-1 to expand the self-storage facility along with the submitted screening proffer is reasonable.

Staff recommends approval of the rezoning from R-1 to M-1C.

As noted above, the original application and public notices included a request to rezone an adjacent +/- 0.99-acre area from R-1 to R-5C, High Density Residential District Conditional. The applicant had first approached staff with the idea to rezone +/- 0.99-acres to R-5C and +/- 0.36-acres to M-1 in January 2022 and submitted an application in early July anticipating for the request to be included with the August 10, 2022 Planning Commission meeting agenda. At staff's request, the applicant has since tabled this portion of their request.

The reasoning for staff's requested tabling of the residential component of the applicant's property is due to a street connectivity study that is ongoing. Specifically, in January 2022, the City was awarded a technical assistance grant from the Virginia Office of Intermodal Planning and Investment for a "Street Connectivity Evaluation and Road Diet Multimodal Evaluation" (Street Connectivity Study). The Department of Public Works and consultants began the Street Connectivity Study in March 2022 and it is not anticipated to be completed until the end of August 2022.

Draft study results include a recommendation to extend 3rd Street to the west. While the final terminus to the west is not yet fully conceptualized, there appears to be opportunity to plan for a future street that could extend into Rockingham County and provide connectivity between existing and future neighborhoods. If the 3rd Street extension to the west is included as a recommendation in the final Street Connectivity Study, it would be included in staff's proposal of amendments to the Comprehensive Plan's Street Improvement Plan, which is anticipated to occur in late 2022 or early 2023.

To this end, staff requested the applicant table their request to rezone the +/- 0.99-acre site to R-5C until staff has a better understanding of what recommendations might be made in the Street Connectivity Study and the Street Improvement Plan.

Chair Finnegan asked if there were any questions for staff.

Councilmember Dent said what I noticed on the map is that on paper at least Rockingham Drive could continue through the property that is proposed for rezoning. Are we letting go the possibility of continuing Rockingham Drive?

Ms. Dang asked you are talking about between Third Street and Chicago Avenue?

Councilmember Dent said between Second Street and up to Rockingham Drive.

Ms. Dang said at this time I do not think that there is a proposal or potential for that connection. In this map, the white area designates City right-of-way, properties that the City owns. At some time in the past, it appears that the City vacated the right-of-way that is Rockingham Drive extended, as well as this piece that would appear to be Third Street extended.

Councilmember Dent said so the part that is in yellow, as well as the part that could be the connection to Rockingham Drive has already been vacated by the City.

Ms. Dang said that is correct. It belongs to the applicant that is making this request.

Commissioner Byrd said the study that you are waiting on is to decide if the City would want to reacquire that short piece that would reconnect Third Street to Rockingham Drive?

Ms. Dang said potentially. I do not want to commit and say how that would happen. The idea is to identify where additional street connections are needed, particularly as we look at walkability, efficient transportation for all modes of transportation, and increasing density or development in a community where you would need to have more connections.

Commissioner Whitten asked how many storage units are on that site now?

Ms. Dang said I do not know.

Commissioner Whitten asked does this area flood?

Ms. Dang said I do not know. The applicant may be able to answer.

Commissioner Armstrong asked what school is nearby?

Ms. Dang said Waterman Elementary School.

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.

Gil Colman, Colman Engineering, and Gary Meyers, New Venture Partners, LLC, came forward to speak to the request.

Mr. Colman said there were some questions regarding the property that the City owns or that the applicant owns. The applicant owns that property, but during the meeting with staff, Public Works staff mentioned the fact that they have that study. We could have moved forward and said that we are still going to propose this but decided to wait and see what happens with that. We agreed with staff that it was a good idea to wait. We were looking to rezone a portion to be industrial to expand the mini-storage and the other portion to be residential. We wanted to increase the density to be able to make it feasible because as you saw, if you visited the site, it is very steep and difficult to access. The triangle that we are requesting to rezone as industrial becomes unusable to try to put anything back there because trying to bring that drive takes a big chunk of that. If you put a building there, you still have to provide accessibility and parking and other things. It is not possible. It would be captured between the slope and the mini-storages. It is not ideal. It works better for us, and for the City, to cut that side off and add it to the industrial part. Industrial property has decreased for the City. There is a trade-off. If we can get more houses, then that is good also. In this case, it is good to provide additional space for the mini-storages.

There was a question regarding the trees. I do not know if you were able to identify where the property line was when you did the site visit. It is further down in that slope, which means that a lot of the trees that are there are already City trees and will not be affected. The property itself, technically, he can take the trees down now if he needed to because nothing keeps him from doing that. With this request, any tree that is going to be taken down, we are proffering that we will put back trees to provide a screening and compensate for the trees coming down. It will provide a better situation than it could be if it was just cleared without any screening. That is part of the proffers that we are offering.

Mr. Meyers addressed the flooding question. Three to four years ago we had that summer where it seemed to rain about every other day, this summer, too. I remember driving on Waterman Drive where there was eight to ten inches of standing water on the street at its worst. The level of that first building, our lowest building, is about three or four feet above that. We have never seen anything past the entrance as far as flooding. The property goes uphill from Waterman, so the everything would flow out to the front.

Chair Finnegan said the quarry is on the other side of Waterman Drive. You cannot see it from ground level because of the trees.

Commissioner Armstrong said I did not see the other side. I only saw from the North Dogwood Drive end of it. If you cut into it, even the steep portion, will it not increase the potential for erosion?

Mr. Colman said those things have to be addressed when you submit the comprehensive site plan. You cannot just cause erosion without taking care of it. The site where the mini-storages are is not as steep coming out because it stops before the slope. The one where we are proposing the other development, that is extremely steep. That will change. We would have a flatter grade in front of

it and then exposed basements in the back. We are not here to talk about that one. In terms of the erosion, it is a fact that any land disturbance could lead to erosion if not taken care of as it needs to be. In this case, it would be the same.

Commissioner Armstrong said I am asking you about this situation, not any situation.

Mr. Colman said that is what I am saying. This situation is like any other. That needs to be taken care of. Legally...

Commissioner Armstrong asked are you saying that there is a potential for erosion there?

Mr. Colman said there is a potential for erosion with any land disturbance.

Commissioner Armstrong said not if it is flat.

Mr. Colman said yes if it is flat. A potential for erosion can exist anywhere as long as you have runoff going through it. That is the case regardless. Any time you disturb land, it has to be seeded. It has to be stabilized. That is a requirement.

Commissioner Armstrong said I am hearing a yes from you.

Mr. Colman said yes, absolutely. I like to give the bigger context. Yes, that is true. Yes, from the standpoint that it has to be stabilized. Erosion could occur anywhere.

Chair Finnegan said I am sure you have done the market studies on building up instead of up the hill, making taller storage units. I have seen double decker storage units elsewhere. Is that something that was considered here to preserve land?

Mr. Meyers said we looked into it, but as soon as you go several stories or climate control, it puts us in a different market. We are comfortable in the market we are in right now, just a simple one-level drive-up storage unit.

Commissioner Whitten asked how many units are there currently? How many will you add?

Mr. Meyers said we have 146 separate units in four buildings. On the additional land that we can do by-right... We probably can do another 320, including the small triangle. The triangle might be 10 or 15 percent of that.

Commissioner Whitten said then you would be maxed out.

Mr. Meyers said yes, that would be the whole property. We are not doing that all at once. We are breaking it down a little bit.

Commissioner Armstrong said, to clarify, the triangle piece that we are discussing would only be an additional 32 units.

Mr. Meyers said I have not counted the ten to fifteen percent. I do not know exactly what crosses that line. We are talking about a small percentage of the total buildout. The rest is already zoned correctly for storage.

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

Commissioner Whitten asked when we accept a proffer with trees, what if the trees die? Do we monitor that situation?

Ms. Dang said that as part of our proactive zoning, when we resume it, or if we get a complaint, typical code enforcement, yes, they are to maintain those in perpetuity, unless they were to rezone and amend their proffers.

Councilmember Dent said I see on the aerial photograph, the part where Rockingham Drive stops, I am trying to get a hold of where the City still owns it. If the City continued Third Street, would it be to the end of Rockingham Drive? If you continued Third Street straight across where that R-1 is on the yellow part, where it hooks up with Rockingham Drive, that would be what the City still owns so that connectivity would work?

Ms. Dang said I cannot say I can speak to the exact alignment. The connectivity study is studying where connections are need, then it will look at recommendations. There is a period of determining feasibility, including slopes, property and other things. We are not that far along yet. As I understand it, and from reviewing the draft, there is a recognition that there is a need. Whether it can be met or not, there is a need for some kind of extension to the west.

Councilmember Dent said it is not really relevant to this discussion, though, if they already own the triangle part. It is more in the tabled part if the residential comes up.

Ms. Dang said, to be clear, they own that piece also.

Commissioner Byrd said I think the discussion trying to understand where future roads are going to be, is that the other side of Rockingham Drive would officially be a dead end.

Chair Finnegan said Rockingham Drive already is a dead end.

Commissioner Byrd said what I am saying is that, if someone builds a building there, we are not going to think about right-of-way.

Ms. Dang said while the City may have negotiated the removal of buildings and purchasing property, it would be a high barrier to overcome. What you are speculating is reasonable.

Commissioner Whitten moved to approve the rezoning request.

Councilmember Dent seconded the motion.

Chair Finnegan said I will probably vote for this. I do not love it. I do not love the idea of moving trees to put storage, but also this is what this site is. It is one triangle of land. I will probably vote for it.

Commissioner Armstrong said we are talking about a rezoning here. We are doing a lot of spot rezoning. To me a spot rezoning should improve the neighborhood. I do not see this doing that. It is only a third of an acre. Those issues of drainage and erosion, and we have a treed third of an acre that might be able to carry 32 additional units. I do not find it a compelling argument or a real improvement to this neighborhood to rezone this spot. I will vote no for it.

Commissioner Byrd said this area is currently zoned residential. It is highly unfeasible for it to ever be residential and therefore its zoning, the City would be viewing as permanently make it park, green lands, without declaring it to be so. Having this zoned in a way that does not allow for anything to be built there is not reasonable. Odd-shaped parcels should either have a particular zoning or be rezoned to something that someone can actually use and not have these arbitrary zonings. I would be likely to vote in favor of this.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (6-1). The recommendation will move forward to City Council on September 13, 2022.