



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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December 3, 2021

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

**SUBJECT:** *Consider a request from Harrisonburg Ford Property, LC for a special use permit per Section 10-3-91(8) of the Zoning Ordinance within the B-2, General Business District to allow reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the City Council, it is needed at some time in the future.*

## EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 10, 2021

Chair Finnegan read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

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

- Site: Undeveloped acreage; zoned B-2
- North: Across Baxter Drive, undeveloped parcels, business offices, and automotive business; zoned B-2
- East: Automotive sales and service businesses; zoned B-2
- South: Across West Kaylor Park Drive, undeveloped parcels and financial institution; zoned B-2
- West: Undeveloped acreage (part of the same +/- 11.03-acre parcel); zoned B-2, and undeveloped acreage in Rockingham County; zoned A-2

The subject property is an undeveloped +/- 11.03-acre parcel located along the entire southern side of Baxter Drive, between South Main Street to the east and the City/County jurisdictional boundary to the west. As stated in the applicant's letter, a future development for Tractor Supply Co. (TSC)

is proposed for +/- 3.38 acres of the +/- 11.03-acre parcel. The applicant is requesting a special use permit per Section 10-3-91(8) of the Zoning Ordinance to allow for a reduction in required parking areas to permit fewer than the required number of vehicle parking spaces in the B-2, General Business District. The applicant plans to later subdivide the +/- 3.38-acre site from the +/- 11.03-acre parcel.

Parking requirements for a retail use are calculated at one parking space for every 250 square feet of gross floor area when the gross square footage of the building is greater than 10,000 square feet. The proposed TSC structure is illustrated as having 26,924 square feet of gross floor area under roof (the proposed fenced-in garden center does not count toward parking totals; however, the portion of garden center that would be covered by a roof structure would count toward parking totals). The required parking total for the proposed TSC would be 108 parking spaces. The applicant is proposing to provide 77 parking spaces and has illustrated where the remaining 31 parking spaces could be provided. As required, a site sketch has been provided indicating the 77 parking spaces and the locations of the additional 31 spaces. The site sketch also shows a paved area that will be used to display trailers and equipment offered for sale by TSC. The Zoning Ordinance does not allow for paved display areas to be counted toward meeting the minimum parking requirements.

The applicant has stated that based upon experience in actual demand for their prototypes, TSC targets a lower parking need of 65 parking spaces. They believe this request of 77 parking spaces is reasonable to meet their anticipated parking needs while creating no hardships on adjacent properties.

The applicant also understands that, if approved, the area that would have been used for parking must be recorded in a deed, must remain as open space, and shall not be used to meet any conflicting requirements of the Zoning Ordinance.

Staff has no concerns with this request. The proposed reduction of required parking area is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the reduced parking SUP request with the following condition:

- The special use permit shall be applicable only to a use that is substantially the same as the operations of a Tractor Supply Co.

Chair Finnegan asked if there were any questions for staff.

Commissioner Byrd asked if the language regarding operations of a tractor supply company is because of their stated customer history?

Ms. Banks said similar to a Tractor Supply Company. If they were to leave, we would not want a large retail company that would require much more parking in there.

Commissioner Whitten asked about ancillary business or vendors that come in and are vending from the parking lot. The trailer area that you talked about has been covered. I wonder about those types of things.

Ms. Banks said that we often see these at a lot of different establishments in the City. The Valley Mall is one of them. They are often temporary. We can view them as zoning violations; then we have to give a 30 day notification to remove something. If someone was there doing barbecue chicken on Thursday, Friday and Saturday, by the time we could tell them they should not be there and give them thirty days to remove it, they would be gone.

Commissioner Whitten said usually that would happen on a weekend when the traffic count would be higher for parking spaces. I am wondering how that would impact the 70 parking spaces.

Chair Finnegan said that there is this area where the remaining 31 parking spaces could be provided. That is where they could put a food truck.

Ms. Banks said that we do not have anything that specifically says that you cannot have someone come and do barbecue chicken in your parking lot.

Commissioner Armstrong said that the fact that those temporary services are still not creating parking shortages is in support of their argument that there is plenty of parking anyway.

Commissioner Whitten said that is my experience.

Ms. Banks said that she has never received complaints about the parking at the current Tractor Supply parking lot (located on East Market Street).

Commissioner Orndoff asked if there was anything in the ordinances that require that someone that is coming in and doing the temporary barbecue to have to apply and get a permit for the time that they are here and the amount of space that they can take up?

Ms. Banks said that there is nothing in the zoning regulations about that. They do have to have a business license and so forth.

Chair Finnegan said that there is a difference between a food truck and barbecue chicken that they made at the Lion's Club and that they are selling here.

Councilmember Dent said that it makes intuitive sense that a tractor supply business would have a different space ratio than the mall for instance. You have a lot of big equipment and not many of people shopping at the same time. I think the decreased parking makes sense. I notice on the map that there are some long lines in the middle of the parking lot with the number three on it. I would presume that means a place for a truck or a vehicle with a trailer to park. They allowed for that and that would be a need for a tractor place, I think.

Ms. Banks said that is correct.

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.

Seth Roderick, Monteverde Engineering, came forward representing the applicant. This is pretty straightforward, as staff has indicated to you. The City's Zoning Ordinance is limited in the amount of differentiation that it has between retail. It is the same for the shopping mall that has a lot of teenagers going to it as it does in this case for Tractor Supply. The 108 spaces are well above and beyond the template for Tractor Supply which is zeroed in at 65. That meets all their customer needs. They have not become successful by creating parking lots that are too small and turning people away. The store on East Market Street where they have vendors out in the parking lots because they built it to code at four parking spaces per 1,000 square feet. There is too much parking. If the City requires businesses to build too much parking, they have no use for it and will try to find other ways to monetize it. In this case, we are trying to avoid that scenario and keep it as grass. Instead of having a bunch of oils and dirt and runoff going into the water streams, we turn it to grass. It is going to be a better condition for everybody involved. We are above and beyond the 65 mark because those spaces are very easy to construct. The drive aisles are already going to be there. The owner said to go ahead and put the extra spaces in. It is going to be more parking than what they really need, but those are very inexpensive parking spaces at that time. At this point, 77 spaces are there. If, at any time, something were to change, such as the use changes in the future, City Council has the right to force the additional parking stalls to be added. I do not see that ever being the case, especially when the new Zoning Ordinance is put into place and more differentiation between retail is included. I, as the engineer, am available for any questions that you might have. We also have representatives from the landowner as well as the developer if you have any questions.

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.

Chair Finnegan said that there are several cities in the U.S. that have completely done away with mandatory parking minimum requirements. They include Buffalo City and others. That number is increasing for the reason that Mr. Roderick said, if I have a business and I have a certain number of customers, I would be doing myself a disservice by having three parking spaces. If you look at an aerial map of Harrisonburg or any American city, there is a lot of parking and not very much building. I am in favor of almost any time we are talking about parking reductions.

Councilmember Dent said I agree. Anything that we can do to minimize the footprint of parking. There was a great statement that you made at the Housing Summit, Chair Finnegan, about "we have mandatory housing for cars, but not for people." I like the idea of differentiating between the retail uses. If it is a larger piece of equipment that takes up more space, they do not need a proportionate number of spaces, as opposed to the mall where everybody is in it at the same time. I wondered why we would need to reserve the parking spaces to be added in the future, but you explained that it was in case it turned into a mall or another use that was more high density.

Ms. Banks said that is correct. If it did change into a use that was more intense, that had a higher volume of people coming in.

Commissioner Whitten said, for clarification, Tractor Supply really does not sell tractors, as such. They do not sell big pieces of equipment.

Commissioner Byrd said that my experience with businesses that are the same as the operation of Tractor Supply, I have never had a parking issue on their busiest day.

Commissioner Whitten said that it would be like Lowe's.

Commissioner Byrd said that Lowe's does not use their whole parking lot. Home Depot has equipment out in their parking lot because it is not used.

Chair Finnegan said that Valley Mall is a good example. They have set up entire fairs in the parking lot. If that does not speak to it... There is a challenge that was put forth by Strong Towns called the Black Friday Challenge. Black Friday being the busiest shopping day of the year, if you go to any parking lot, see how many empty spaces you can find. More and more people are saying, here I am on Black Friday and there is a lot of parking.

Commissioner Byrd moved to approve the request as recommended by staff.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (7-0). The recommendation will move forward to City Council on December 14, 2021.