



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission  
From: Department of Community Development  
Date: March 11, 2020 (Regular Meeting)  
Re: Special Use Permit–60 Carpenter Lane (To allow recreational and leisure time activities in M-1)

### **Summary:**

Public hearing to consider a request from Elite Land LLC for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities, which may include non-transient dwelling units within the M-1, General Industrial District. The +/- 5.0-acre property is addressed as 60 Carpenter Lane and is identified as tax map parcel 107-A-12.

### **Background:**

The Comprehensive Plan designates this area 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:** Undeveloped acreage; zoned B-2

**North:** Manufacturing/warehouse use; zoned M-1

**East:** Furniture warehouse and sales; zoned B-2, and undeveloped acreage; zoned M-1

**South:** Across Carpenter Lane, recreational use, storage facility, and undeveloped parcels; zoned B-2

**West:** Non-conforming multi-family dwelling, non-conforming storage of manufactured/mobile homes, and undeveloped acreage; zoned B-2

### **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (10) of the Zoning Ordinance (ZO) to allow recreational and leisure time activities, which may include non-transient dwelling units within the M-1, General Industrial District at 60 Carpenter Lane. The +/-5.0-acre site is located along the northern side of Carpenter Lane, a cul-de-sac at the southern edge of the City limits. If approved, Black Bear Gymnastics, a gymnastics instructional and training facility, would construct a building and operate at the site. Given that the applicant does not intend to allow non-transient dwelling units and that staff does not believe in allowing such uses at this location, if there is a desire to allow this SUP, among other conditions, staff is recommending that the SUP shall not allow non-transient dwelling units.

In July 2019, the subject site was rezoned from B-2, General Business District to M-1, General Industrial District. During the rezoning it was described that the site would be developed as a parking lot and used for storage of over the road tractor trailers. A future phase for the site was planned to include construction of a storage/warehouse facility. The B-2 zoning district does not allow for the storage of over the road tractor trailers, and warehousing or storage facilities are allowed only by SUP. The M-1 zoning district allows standalone privately owned parking lots, warehousing and storage, and storage of over the road tractor trailers as by right uses. Staff supported the rezoning request, Planning Commission unanimously recommended in favor of the rezoning, and City Council unanimously approved the request. At the time of the rezoning, the applicant did not have plans for a gymnastics facility, which is allowed by right in the B-2 district. An engineered comprehensive site plan for the parking lot and a proposed 12,000 square foot warehouse/storage building is currently being reviewed by city staff (a copy of the landscape and site plan page from the engineered comprehensive site plan is included within the packet).

Black Bear Gymnastics is described by the applicant as a dedicated facility offering gymnastics training for boys and girls, through private instruction and group classes. They would also offer tumbling classes, after school programs, birthday parties, and cheerleading classes. As well, they hope to become the primary training facility for several local high school gymnastics, cheer, and possibly dance teams. Black Bear Gymnastics will not be a public gym; instead, participants must be registered with the training facility to participate in classes and activities. At this time, hours of operation are described as opening at 8:00 a.m. and to be open no later than 11:00 p.m.

Currently, the site is undeveloped and the applicant states that, if approved, the property owner would construct a 12,000 square foot building, which Black Bear Gymnastics would occupy. The building would have 24-foot high ceilings to allow for appropriate foam pits to be installed, with solid decking around, at a 6-foot elevation. This would then provide the needed 16 to 18 feet of ceiling clearance for training purposes. The applicant has been informed that they, or their architect, will need to work with the Building Inspections Division regarding Building Code requirements and necessary permits for construction.

Parking for the gymnastics facility would be calculated on the total occupancy of the facility and based on Section 10-3-25 (13) of the ZO, which would require off-street parking spaces calculated at 10 percent of the maximum occupancy of the fitness facility. All required off-street parking spaces would need to be installed and clearly delineated prior to occupancy of the building. Bicycle parking spaces would also be required per Section 10-3-25.1 of the ZO.

The entire area surrounding the Carpenter Lane cul-de-sac is designated in the 2018 Comprehensive Plan's Land Use Guide as General Industrial and, as previously noted, the subject site was unanimously rezoned to M-1 in 2019, which conforms with the Comprehensive Plan. In general, staff seeks to protect larger industrial zoned parcels, such as this 5-acre site, for economic development, where industries that produce a high number of jobs and/or above median income wage jobs could be located.

As indicated in the ZO, SUP uses are those uses which, if not specifically regulated, may have an undue impact on, or be incompatible with other uses of land within or adjacent to the zoning district. It is staff's understanding that, along with the gymnastics facility, the property owner intends to continue with the vision of using this site for storage of over the road tractor trailers and warehousing. Staff has concern with mixing trucking/warehousing uses with recreational uses on the property and with sharing entrances and parking areas. Furthermore, the recreational use is geared primarily towards K-12 students, presenting a potential safety hazard for those attending the gymnastics facility.

While staff believes a gymnastics facility is a good use in the city, we do not believe it is in the best interest to support this SUP request at this location and therefore recommends denial of the SUP request. However, should there be a desire to approve the recreational and leisure time activity SUP, staff suggests the following conditions:

- The special use permit shall be applicable only for the use, or a substantially similar use, as requested in this application;
- The special use permit shall not allow non-transient dwelling units;
- Any recreational and leisure time activity use permitted herein shall be constructed so that the use has a separate parking lot which is physically separated from any other use or parking lot. The intent shall be to physically separate and prohibit traffic from other uses mixing with traffic associated with the recreational and leisure time activity use. The recreational and leisure time activity use must have a separate entrance from Carpenter Lane and shall not share any onsite traffic maneuverability with other uses.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the special use permit request as submitted;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial.

**Community Engagement:**

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

***Special Use Permit – 60 Carpenter Lane (Section 10-3-97 (10))***

Public hearing to consider a request from Elite Land LLC for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District. The +/- 5.0-acre property is addressed as 60 Carpenter Lane and is identified as tax map parcel 107-A-12

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.

**Attachments:**

1. Site maps
2. Application, applicant letter, and supporting documents
3. Sheet C4.01 of engineered comprehensive site plan dated 01/06/2020

**Review:**

N/A