



City of Harrisonburg, Virginia
Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

August 3, 2018

TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from South High Station, 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 30,600 +/- square foot property is located at 1911 South High Street and is identified as tax map parcel 112-A-5.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING
HELD ON: July 11, 2018

Chair Way read the request and asked staff to review.

Mrs. Banks said in May 2016, the subject parcel received approval of a special use permit (SUP) to Section 10-3-91 (9) of the Zoning Ordinance to allow for the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1. The approval allowed the property owner to demolish the then existing convenience store structure and to redevelop the site with a new building constructed with zero setback from the southern property line. (The property owner has constructed a new building within 0.83 feet of the property's southern property line.) Within the area where the new building has been constructed there is a 30% grade change. The southern property line is at an elevation of about 1,280 feet while the parking area for the site is at about 1,298 feet. The new convenience store building constructed on site required a foundation wall of approximately 18-feet. Currently, the new building is at the halfway point; the exterior is constructed and interior work is being completed.

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors.

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

- Site: Convenience store with gas pumps (under construction), zoned B-2
- North: Across Erickson Avenue, lumber and building material sales, zoned M-1
- East: Across South High Street, financial institutions, zoned B-2
- South: Commercial businesses, zoned B-2
- West: Automotive repair business, zoned B-2

The applicant is requesting a special use permit per Section 10-3-91 (2) to allow warehousing and other storage facilities within the B-2, General Business District. If approved, the applicant intends to convert a

portion of the lower ground floor of the newly constructed convenience store into storage and warehousing. The proposed new space would not be utilized as storage for the convenience store, but rather leased out for other tenants to use as storage and warehousing.

During the Engineered Comprehensive Site Plan (ECSP) review for the convenience store project, it was not indicated on the plan that the lower ground level would be anything more than crawl space. However, during the building permit review of the project, the building plan indicated that the lower level would be a basement with a finished floor and the applicants informed staff that the intent was to lease the space for warehousing and storage.

This information brought about several concerns for staff. First, the Building Code Division was now reviewing a plan for a two-story building. Secondly, the ECSP was approved for meeting the parking requirements of a one-story, 4,284 square feet convenience store; not an 8,568 square feet convenience store. Lastly, leasing the area of the finished lower level to a tenant that was not operating on site for storage and warehousing was not a by right use, but rather is only permissible with an approved SUP.

The Building Code Division worked with the applicant's architect to re-classify the type of construction for the now two-story building. To meet the re-classification the architect has stated that "should the lower level be occupied, the usable area will be limited to less than 3,000 square feet and the remaining approximate 1,440 square feet will be "walled-off" and designated as crawl space" (See Exhibit A).

Generally, when calculating the minimum required number of parking spaces for a use such as a convenience store, staff takes the gross square footage (basement included) and divides that number by 200 to determine the number of parking spaces (rounding up to the nearest whole number). Thus, the 8,568 square feet convenience store should have provided 43 parking spaces. The ECSP indicates that 22 parking spaces are provided, which is enough parking only for the 4,284 square feet upper level of the convenience store; but, insufficient for the building as a whole, and there is no available area on the property to add additional parking spaces.

As noted earlier, there is approximately 18-feet of grade change from the upper level, and associated parking lot, to the lower level and the structure is placed within inches of the adjacent property to the south (identified as tax map number 112-A-6). Therefore, to gain access into the lower level, one must enter through the property to the south (tax map 112-A-6), which is at the same elevation, 1284-feet, as the lower level.

Because of this unique situation with the elevation change and building access, and given that this is a SUP request, staff determined that the parking requirement could be split between the upper level retail convenience store and the lower level warehouse. Therefore, if this request is approved, the applicant must provide five additional parking spaces to meet the parking requirements for the storage and warehouse use of the lower level.

At present, the property owner of tax map 112-A-6 to the south of the subject parcel is also the proposed tenant for the storage and warehouse use. The applicant will enter into a shared access and parking agreement with the adjacent property owner to acquire the needed five spaces for the storage and warehouse use. This will require additional parking to be installed on tax map 112-A-6 to meet the requirements of Section 10-3-26 (a) which regulates the location of parking and shared parking agreements. Because new parking is being installed on tax map 112-A-6, parking lot landscaping will be required for the new parking spaces, as well as street trees as required by Section 10-3-30.1 (16). The applicant has provided a site map of the adjacent property showing that all parking and landscaping requirements can be met. The applicant has also demonstrated that tax map 112-A-6 can also meet their required parking of 27 parking spaces. If approved, it must be understood, that the five new parking spaces are required in order to utilize the lower level for storage and warehousing, even if the tenant of the lower level changes.

After review of the request, staff believes the use 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 in the district. Although the Comprehensive Plan's Land Use Guide designates the site as Commercial, the area of the storage and warehousing is only a portion of the building and supportive of commercial uses within the area. Staff recommends approval of the special use permit with the following condition:

- Storage and warehousing operations for a tenant not operating on site shall only occur within the existing structure's basement and shall be limited in square footage to less than 3,000 square feet.

Chair Way asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if the applicant would like to speak regarding this request.

Ed Blackwell, Blackwell Engineering, said I am here representing the owner and to answer any of the engineering technical questions you may have. When we turned the site plan in we were not thinking to use the basement; but, we ended up with this really deep foundation and the owner decided that it could be used. Obviously, we did not have enough parking on site, so we worked out an agreement with the neighbor.

Chair Way asked if there were any questions for Mr. Blackwell.

Mr. Colman asked are there doors on both ends of the building.

Mr. Blackwell said we had to have two doors for the fire code. We wanted just one on the back side pointing to the west but we had to have a second door. So, we tried to locate it facing to the south, but we cannot have it on the zero-setback line. We put it looking towards Route 42.

Mr. Colman asked whether the entire footprint of the building is open.

Mr. Blackwell said it is open in the basement; but we need to partition it off to meet the Building Code.

Mrs. Banks said building permits and trade permits would be required to build out the basement as the storage warehouse area. So, we will be able to check those square footages.

Chair Way asked if anyone one else would like to speak in favor or against this request. Hearing none, he closed the public hearing and he asked Planning Commission for a motion on the request or for discussion.

Mr. Finks moved to approve the special use permit at 1911 South High Street (Section 10-3-91 (2) to Allow Warehousing and Other Storage Facilities) as presented by staff.

Mr. Colman seconded the motion.

Chair Way said we have a motion and a second. Is there any more discussion?

Mr. Colman said I think the use of the building is very interesting and it seems appropriate.

Mrs. Fitzgerald said if I recall correctly when we first saw this during the special use permit request for zero side yard setback, the neighbor said they had concerns. You have clearly worked it out.

Chair Way called for a voice vote on the motion.

All voted in favor (7-0) to approve the special use permit at 1911 South High Street (Section 10-3-91 (2) to Allow Warehousing and Other Storage Facilities) as presented by staff.

Chair Way said this will go forward to City Council on August 14, 2018.

Respectfully Submitted,

Alison Banks

Alison Banks

Senior Planner